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Peacekeeping in Western Sahara – The Role of the UN

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1. Introduction

2016 was an eventful year for Western Sahara. While the Western Saharan conflict usually does not gain the attention of media, two conflicting events interrupted the silence. United Nations Secretary-General (UNSG) Ban Ki Moon whilst visiting the Polisario¹-controlled Western Saharan town of Bir Lahlou in early March 2016 described the situation in Western Sahara as an ‘occupation’. His statement led Morocco, the accused occupier, to question the neutrality of the UNSG and the UN. Morocco demanded the United Nations (UN) to withdraw all its civilian personnel from Western Sahara within 72 hours, and the 70 UN civilian staff on the ground duly left (BBC, 2016; Daily Mail, 2016; New York Times, 2016). In the following month the mandate of the United Nations Mission for the Referendum in Western Sahara, known by its French acronym MINURSO² was renewed by the UN Security Council (UNSC). It was renewed on the condition that the mission is returned to full functionality within 90 days (UNSC, 2016, S/RES/2285). As of April 2017, it appears that MINURSO has returned to full-functionality (UNSC, 2017, S/RES/2351).

Tensions between the UN and Morocco are still high and were further amplified by Morocco’s plan to build a road connecting Morocco to Senegal (Yahoo, 2016; Xinhua, 2016). This road would cut through the so called ‘buffer zone’ that was established in 1991 to maintain the ceasefire between Morocco and the Polisario, the movement that is pursuing the independence of Western Sahara. It would also cut through the territory of the Polisario-controlled Western Sahara, known as the Sahrawi Arab Democratic Republic (SADR). The Polisario has threatened to resume hostilities with Morocco if it does not cease building the road and the issue escalated as Morocco has refused to back down (Reuters, 2016; Daily Mail, 2016). Both sides mobilised forces to their side of the ceasefire line until Morocco withdrew in February 2017 and the Polisario did likewise in April 2017 (Reuters, 2017; UN, 2017).

Aside from these two events, the Polisario has also undergone significant changes that could have lasting effects for the conflict. The long-time Polisario leader, Mohammed Abdelaziz, died on 31st May 2016. Abdelaziz had led the Polisario as Secretary-General since 1976. It remains to be seen if the succession by Brahim Ghali will change the organisations structure and practice and thus if it has an impact on the conflicts dynamics.

¹ The Popular Front for Liberation of Saguia el-Hamra and Rio de Oro (Polisario) was formed in 1973 as movement requesting independence of Spanish Sahara.

² Mission des Nations Unies por l’organisation d’un Referendum au Sahara Occidental (MINURSO)

The events of the past year provide evidence of the need to further study the Western Saharan conflict. Although the military conflict is presently dormant, the threat of violence looms over this conflict whilst it remains unresolved. In the Western Saharan conflict, a strong state is pitted against a political movement which claims to liberate the territory from colonialization. This claim is partly supported by the UN, which after all claims to safeguard self-determination, and in the case of Western Sahara, the rights of the Saharan people to self-determination 1965 (UNGA, 1965, A/RES/2072).

Despite the UN having been active in Western Sahara since 1986, few academics³ have engaged in assessing the UN's role in the conflict and even media attention is sparse. The lack of media attention is partly explained by the fact that MINURSO is, in comparison to other UN peace missions, neither large nor expensive or volatile. Nonetheless there is academic literature on the Western Sahara conflict, among it historiography of the conflict (Hodges, 1983; Shelley, 2004) or is centred on the key actors in the conflict namely, Morocco, Polisario, Algeria, France and the United States of America (USA) (Zoubir, 1987; Zoubir, 1996; Zunes, 1993; Zunes, 1995). Little attention has so far been given to the dynamics of the conflict or the role the UN played in it.

MINURSO is mostly regarded as a failure, because it was unable to fulfil its primary mandate of holding a referendum on the independence of Western Sahara. Subsequently the UN is assumed to have failed in the Western Sahara conflict, because MINURSO has been ongoing for twenty-five years and a resolution does not appear likely (Pazzanita & Zoubir, 1995; Theofilopoulou, 2007). The characterisation of MINURSO as a failure does however impede a thorough analysis, which would acknowledge partial successes, outline drawbacks, consider contextual developments in the region and takes account of challenges the UN faced or lessons learnt. In short it is too simplistic to view MINURSO as a mere failure or to hold the UN primarily responsible for the failure.

This dissertation will try to close this gap and aims at an in-depth analysis of the role of the UN in MINURSO, which allows it to explore the limits and constraints of the UN as an actor in peace-operations. Firstly, I will define some key terms that will be used continually in the thesis. The term 'the UN' is wide-ranging but throughout this thesis will generally be used to refer to bureaucratic section which serves as the figurehead for the organisation and as a

³ Yahia Zoubir, Jacob Mundy, Stephen Zunes and Anthony Pazzanita are the scholars who have most actively published material about the Western Saharan conflict and they have occasionally written about the role of the UN in the conflict.

separate actor in the field of international relations with the UNSG as its leader. The UNSC and the UNGA are the forums for member states to pursue their interests; it becomes complicated as the UNSC has an influential role within the UN. Whilst MINURSO is an extension of the UN, and administers the peacekeeping operation in Western Sahara, again the UNSC has influence over MINURSO but part of the aim of this thesis is to assess to what extent powerful states influence the MINURSO operation.

As stated most of the evaluations on UN peacekeeping focus on success versus failure this thesis will explore the activities of MINURSO and the role the UN was able to play in this peace operation in Western Sahara to provide a more nuanced evaluation. It will apply two sets of criteria, one to evaluate the internal dynamics of UN peacekeeping, the other the influence of external factors namely powerful states. Applying these two sets of criteria I am able to draw a more differentiated evaluation that shows that MINURSO was indeed successful in containing the conflict and thus limiting casualties but that the configuration and machination of states did not assist MINURSO in resolving the conflict definitively.

The thesis follows two main questions. What role did the UN play in MINURSO peacekeeping mission in Western Sahara? And how successful has MINURSO been in Western Sahara? In order to answer these questions I will first provide an overview of the evolution of the UN and its peace operations. This chapter will analyse the development of the UN during the Cold War up until the present day. During the Cold War, the UN was initially an instrument of the great powers to contain conflicts. Following the de-escalation of the Cold War the UN was the principal international actor to resolve conflicts, as opposed to merely containing conflicts. Whilst at present, the UN has been more willing to use force to restore order and resolve conflicts. MINURSO was deployed during the period of the post-Cold War expansion of UN peacekeeping, but it is generally a traditional peacekeeping mission, aside from a few aspects such as the organisation of a self-determination referendum. However MINURSO has not developed the capabilities of post-Cold War peace operations in the interim due to the involvement and interests of certain members of the UNSC.

Against the background of UN operations, the analytical framework for assessing the success and failures of UN peace operations will be developed in chapter three and will be applied to MINURSO in chapter five. The framework is developed from the work of Duayne Bratt (1996, 1997), who suggested to evaluate UN peace operations with respect to four criteria - mandate performance, conflict resolution, conflict containment and limiting casualties (Bratt,

1996). The basic framework focuses on the UN, but is complemented by six key contextual factors that can contribute to or hinder a peace-operations success. These factors are - the parties to the conflict, the existence of a Comprehensive Settlement Agreement (CSA), the role of five permanent members of the UN Security Council (P5), the role of the USA, the role of regional powers and the maintenance of traditional peacekeeping principles (Bratt, 1997).

Chapter four introduces the case study, and provides a historical overview of Western Sahara from Moroccan independence (1956) to the period of good offices provided by the UN (1988). It will briefly discuss the effects of Spanish colonialism upon Western Sahara, the advent of Saharawi nationalism and the creation of the Polisario liberation movement from it. In particular it will focus on the role of the UN in the conflict and overview the evolving role of the UN in the Western Saharan conflict as its interest in the conflict increased, decreased and increased once again. Finally it will introduce the original parties to the conflicts, Morocco, Mauritania and the Polisario. It will seek to explain the role and relationships of their principal backers, the USA and France for Morocco and Algeria and the intermittent support of Libya for Polisario.

The next section will use the analytical framework developed in chapter three to analyse the role of MINURSO in the Western Sahara conflict, and to evaluate success and failure of MINURSO. This analysis will be followed by the exploration of the factors that impinge upon the UN's ability to act decisively in a peace-operation. The dissertation focuses on the period of 1988 to 2007 that is to start with the presentation of the UN settlement plan for the resolution of the conflict in 1988 up until the UN gave primary responsibility to the resolution of the conflict to Morocco and the Polisario in 2005 and the presentation of their plans to the UN in 2007. The mandate of MINURSO changed in 2005 from the organisation of a referendum to the negotiation of a political settlement and thus the relevancy of the criteria developed begins to lose its relevance. Since 2007 and the proposals of Morocco and the Polisario to resolve the conflict there have been no major developments regarding the negotiated settlement and there is subsequently less of a need to analyse the role of the UN using the criteria developed in this dissertation.

This section will be divided into three chapters, reflecting the differing mandates. Chapter five will analyse MINURSO from its inception up until 1997. During this period the UN was actively trying to resolve the conflict by compiling a voters list and organising a self-

determination referendum. The UNSGs during this time period were Javier de Cuellar between 1982 and 1991 followed by Boutros Boutros-Ghali between 1992 and 1996. Firstly, it will overview the events that led to the implementation and deployment of MINURSO. Following this it will analyse the core of the mission during the time examined. These are the monitoring of the ceasefire which has implications for conflict containment and limiting casualties and the process of resolving the conflict via voter registration and repatriation with the ultimate aim being to hold a self-determination referendum. Then, the secondary issues of releasing political prisoners and the Prisoners of War (PoWs) held by both sides and the monitoring and withdrawal of troops from Western Sahara will be discussed.

Chapter six will analyse MINURSO from the appointment of James Baker as Personal Envoy of the UN Secretary-General (Personal Envoy) in 1997 up until his resignation in 2005, whilst the UNSG was Kofi Annan from 1997 to 2006. It will, again, overview and analyse the actions of the relevant parties/organisations with regards to the ceasefire in reference to assessing the UN in conflict containment and limiting casualties. It will then assess the UN in the mandate objective of Saharan repatriation which was crucial to the resolution of the conflict but had become a less important as the referendum process continued. The section will then focus upon the secondary objectives of the exchange of political prisoners and PoWs and the monitoring and withdrawal of troops from Western Sahara. The primary issue of voter registration will then be analysed as well as the breakdown of the process which led the UN to attempt to resolve the conflict by alternative means of a self-determination referendum. It will then analyse the two proposals put forward by the UN (Baker Plan I and Baker Plan II).

Chapter seven will continue from the resignation of Baker in 2005 until the end of 2007. This period is marked by a lack of progress. During this short time, the UNSGs were the final year of Kofi Annan's term (1997-2006) and the first year of Ban Ki Moon's two terms as UNSG from 2007 to 2016. The settlement plan had long been redundant and the alternative proposals of the UN have been rejected. The belligerent parties were encouraged to propose their own solutions and to meet directly in an attempt to resolve the conflict. This section will differ from the previous sections, focussing on the ceasefire agreement first and then the UN attempts to resolve the conflict. As there was a lack of progress in the resolution of the conflict, the UN initiated confidence building measures between the parties, which focussed on reconnecting individuals that had been separated as a result of the conflict. Finally, the work of the UN in limiting casualties will be assessed as well as the food situation for

Saharans in the refugee camps which became an increasing problem and most of the progress made by the UN in mine clearances occurred within this section.

It will be based upon every UNSG report and UNSC resolution relating to Western Sahara during the time period as well as a variety of other UN documents such as meeting minutes, UNGA resolutions and other UN affiliated reports, forums and meetings. These reports provide substantial commentary and information regarding the Western Saharan conflict, whilst the UNSG reports provide a comprehensive account of the conflict from a uniquely 'privileged' position. The obvious drawback of these UN materials is that they are involved in the conflict and they may have to withhold information or 'opinion' so as not to damage its position as a neutral arbiter or another potential issue from the proximity of the UN to the conflict is that there may be inherent bias towards one of the parties.

There are also contemporary accounts of MINURSO from journals and literature on the Western Sahara to make the analysis of MINURSO and also assess the factors that can help/hinder the UN. Some of these sources are primary sources which have conducted their own field research and interviews and provide their own insights and information which shed a different view upon the conflict, all sources have the drawback that the author may have their own narrative or agenda but also that as this a recent conflict, especially since the UN became involved, there is a limited amount of information pertaining to the conflict.

The findings of this dissertation will offer a more complete analysis of the conflict that will conclude that the UN has generally had a positive influence in the Western Sahara conflict. The UN was broadly successful in the criteria of limiting casualties and containing the conflict as it commanded the unanimous of the P5, regional actors (Algeria and Mauritania) as well as the belligerent parties themselves. The UN has experienced mixed results in fulfilling the mandate objectives set. The successes were often achieved, again, with the support of the P5 but also the lesser more humanitarian aspects of the mandate, such as the release of POWs and political prisoners. Ultimately the UN failed in the definitive resolution of the conflict. The reasons for this are multifaceted but several external factors such as the role of the belligerent parties, the role of certain P5 members, as well as a few internal factors, most notable the roles of the UNSG, have hindered the UN from resolving the conflict definitively.

2. The Development of UN Peacekeeping Operations

Western Sahara is one of the few former European colonies whose international status remains unresolved in the twenty-first century. Despite the changes to UN peace operations, MINURSO is remarkable for its lack of development as a peace operation. The UN has developed an increased aptitude and willingness to use force as in the cases of Yugoslavia, Kosovo and East Timor. In some cases the UN even took over state functions and administered territories such as in Bosnia Herzegovina, East Timor and Kosovo. The UN engagement in these countries has had to defend civilians, administer territories, organise and enforce referendums.

However, the UN has been astonishingly reluctant to enact Chapter VII powers which would have allowed MINURSO to use adequate force to be able to organise a referendum. The lack of wider engagement of MINURSO might be reflective of the political and economic insignificance of Western Sahara. It might also be indicative of the relative power of Morocco and its allies, in particular France and the USA. MINURSO has never been able to extend its powers, not even with respect to human rights monitoring. In 2010 there was a draft resolution for the renewal of MINURSO that sought to incorporate an explicit human rights mandate into MINURSO. The objections, and potential veto, from France saw these plans disregarded in return for the renewal of MINURSO (Bolopion, 2010; UNSC, 2010, S/PV.6305). Therefore to assess the role of the United Nations in Western Sahara, will need to investigate the activities of MINURSO, but this needs to be complemented by the actions external powers have taken to enable MINURSO to fulfil its mandate, in particular the P5 states. This contextualisation also recognising that MINURSO is part of an international political system of which the UN is only one, among other actors.

This chapter will explore the development of UN peacekeeping operations and seek to place MINURSO within these developments whilst highlighting the exceptional nature of the UN's involvement in the conflict. Firstly, UN peacekeeping will be defined and the development of UN peacekeeping will be divided into two sections; traditional peacekeeping and post-Cold War peacekeeping. There are important advances in UN peacekeeping that occurred within both periods. Notable UN peacekeeping missions will be used as examples to either illustrate the development or to highlight important missions which had lasting consequences for UN peacekeeping. Finally, this chapter will conclude on the main changes to UN peacekeeping operations.

Within the literature the UN's peacekeeping has been categorised into four or five generations (Karns & Mingst, 2000; Kenkel, 2013). Although most peace operations can fall into one of these generations, the general time spans are not too rigid and in some cases the categorisations may overlap, as the UN has evolved differently in separate peace operations. Therefore for this dissertation it is prudent to note the significant changes in UN peacekeeping following the latter stages of the Cold War, whilst noting any developments within each period. UN peacekeeping operations are attempts to reduce tensions through a variety of methods. These methods include the UN's 'good offices', which provide the conflicting parties with a neutral venue to negotiate as well as the prestige and normative value that the UNSG, as representative of the UN, provides, as well as organising and monitoring plebiscites and deciding and enforcing sanctions. Peacekeeping operations were not formally codified at the creation of the UN but were underpinned by Chapter VI⁴ and Chapter VII⁵ of the UN Charter which sets out how conflicts should be resolved and by which means. Therefore as peacekeeping operations were not originally envisaged they are reactions to conflicts and have continually developed from the evolving international system and norms (Fetherston, 1994, p. 88).

2.1 Traditional UN peacekeeping

After the Second World War, the United States of America (USA), the United Kingdom (UK) and the Soviet Union sought to create an organisation that would serve as a chamber of ideas and a point of mediation in times of conflict (Meisler, 1995, p.3). Article 1 of the United Nations (UN) charter sets out these aims:

'To maintain international peace and security and to that end: to take effective collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace' (UN Charter, 1945).

⁴ Chapter VI requires to seek a solution to an issue/conflict that is consensual and negotiated. Chapter VII powers permit the UN Security Council to address a 'breach of the peace' by using non-military and military force if necessary (UN Charter, Articles 39, 41 & 42, 1945)

⁵ Chapter VII permits the UN Security Council to address a 'breach of the peace' by using both non-military and military force (UN Charter, Articles 39, 41 & 42, 1945)

Ramsbotham and Woodhouse (1996, p.158) highlight the contrasting perceptions of the UN as representing the collective will of governments but also serving as a vehicle for the politics of the great powers. From its inception the UN was an inherently conservative political organisation as it sought to preserve the international order (Howard, 1993, p.68-69). However, the organisation successfully adapted to the changing political environment during and after the Cold War and managed to maintain its importance. Cold War politics dominated the UN from its inception as it made co-operation between the two competing blocs, led by the USA and the SU, problematic. The original interests of the UN in preserving the international system became sidelined to the interests of the great powers within the UN (Meisler, 1995, p.20).

UN peacekeeping evolved after 1948 when rivalries between the Western and Eastern blocs were beginning to dominate international politics. The main aim of these peace operations was to avert conflicts between the great powers. UN peacekeeping operations during the Cold War were mostly instigated by Western powers, and in order to promote stability, mitigate conflicts and/or protect states' interests in former colonial territories. The UN mainly attempted to mitigate and contain conflicts through the use of unarmed or lightly armed soldiers. The belligerents⁶ to a conflict, and in particular the host government, had to agree to the UN mission. The UN was concerned that peace operations that were not perceived as neutral, would result in potential attacks against UN peacekeepers and damages the UN's prestige. The objectives of traditional peacekeeping were mostly limited to monitoring truces and the withdrawals of armies to designated areas and/or to providing buffer zones between belligerent armies (Morphet, 1993, p.185-200; Weiss et al., 2007, p.34-39).

Several traditional peacekeeping missions have been criticised for merely freezing instead of resolving conflicts. Peacekeeping is a confidence-building measure to monitor a truce while the involved parties attempt to negotiate a comprehensive peace. The UN successfully negotiated ceasefires in Cyprus, Palestine and Kashmir, but they could not mediate peace (Birgisson, 1993, p.282-283). These UN interventions often only had short-term effects, and while they reduced violence, they were unable to initiate long term change that would promote peace (Diehl, Reifschneider & Hensel, 1996, p.683-700). In Cyprus and Kashmir for example, conflicts have remained unresolved for decades with no real progress towards a comprehensive resolution. The UN's role was often undermined by the conflicting parties, in

⁶ With respect to the case of Western Sahara, the 'belligerent parties' are for example Morocco and the POLISARIO FRENTE.

the case of Cyprus for example by, Turkey and Greece or in Kashmir by Pakistan and India. The UN has nonetheless mostly managed to ensure that the ceasefires have held (Birgisson, 1993, p.282-283; Richmond & Ker-Lindsay, 2001, p.94-96).

There are two exceptions to the traditional peacekeeping and both are relevant to the Western Saharan conflict. First, the United Nations Operation in the Congo (ONUC 1960-1964) which was conducted between 1960 and 1964 was originally designed as a peacekeeping mission. Its original aim was conflict containment by monitoring the withdrawal of the Belgian army and assisting the Congolese government to maintain law and order. However, the situation in Congo was unstable, and the government did not have authority over the whole country. In 1961, after a year in the Congo, the UN found itself under attack by Congolese separatists in the Katanga province of eastern Congo. In reaction to the attacks, the UN's peacekeeping mission expanded to a peace-enforcement mission (Gibbs, 2000, p.359-382), and ultimately managed to quell a secessionist movement, which led to the formation of a new government. More importantly for this dissertation is the effect it had on UN peace-operations.

The ONUC mission weakened UN peace operations as it depleted funds, discredited the UN's previous neutral role, and suffered huge organisational losses including the death of the UNSG⁷. The unity government formed as an outcome of UN negotiations was soon overthrown. The UN became very cautious of peace operations in Africa, and lost any interest in peace-enforcement missions (Durch, 1993; Weiss et. al, 2007, p.31-33).

The other exception was the UN Temporary Executive Authority (UNTEA) which was conducted between 1962 and 1963 in West Irian (Western New Guinea). The UNTEA supported Indonesia's and the Netherlands' attempts to integrate West Irian into Indonesia (Saltford, 2000, p.72; Savage, 1978, p.984-986). By then, the Netherlands controlled West Irian and initially tried to grant independence in order to pave peaceful transition to a government that is amenable to the Netherlands interests (Savage, 1978, p.984). However, the newly independent Indonesia wanted to incorporate West Irian in its state territory. The Netherlands and Indonesia eventually came to the agreement in August 1962 that Indonesia would administer West Irian following by a period of eight-months under the control of the UNTEA administration. The UNTEA was the first time that the UN took over the

⁷ The UNSG, Hammarskjöld, was in an aeroplane that crashed in modern day Zambia on its way to Congo. Controversy remains over what caused the plane to crash, and the UN re-opened an inquiry into the incident on December 2016.

administration of a territory and it was broadly successful in both, administration and peacekeeping (Grauss, 2005, p.115; Van der Veur, 1964).

The UNTEA left West Irian in May 1963 and Indonesia took over its administration (Saltford, 1969, p.72-73, Savage, 1978, p.984-986). The original agreement stated that Indonesia would allow a 'freedom of choice' and consult with 'representative councils' on methods that could ascertain the 'freely expressed will of the population' (Saltford, 1969, p. 75). While the UN did at times offer support to one-man-one-vote self-determination referendum it had already been agreed by the Netherlands, the UN and Indonesia that a form of representative consultation would provide self-determination (Saltford, 1969, p.77). Consequently, Indonesia organised a representative consultation of 1,026 Papuans, which were however chosen by Indonesia. The process was overseen by the UN. The representatives voted unanimously to remain with Indonesia, and the UN acknowledged and approved of the vote stating, 'with the limitations imposed by the geographical characteristics of the territory and the general political situation in the area, an act of free has taken place in West Irian in accordance with Indonesian practice, in which the representative of the population have expressed their wish to remain with Indonesia' (UN, 1969, A/7723, annex 1 para. 253).

This behaviour compromised the UN. It demonstrated the weakness of the organisation which was more concerned to accommodate the demands of Indonesia than solve the conflict. The UN also lost moral authority as it sided with Western interests, and defended the interests of Indonesia against the principles of self-determination. These problems foreshadow the issues that would beset MINURSO twenty years later. After its experiences in West Irian the UN was hesitant to involve itself directly in decolonisation, indeed MINURSO in 1991 became the only other UN engagement with respect to decolonisation.

2.2 Expansion of peacekeeping after the Cold War

The development of UN multi-dimensional peacekeeping emerged from the withering of Cold War rivalries towards the end of the 1980s and until the early 1990s. The smoothing of tension and the increased cooperation between the Soviet Union and the USA enabled the UN to expand peacekeeping and to develop new mechanisms to react quicker. The UN now started to move beyond traditional peacekeeping, to the implementation of comprehensive settlements and peacemaking. Peacemaking is designed to resolve conflicts through arbitration and negotiations mandated under Chapter VI powers. The UN increasingly sought to implement peace agreements between states and continued to monitor and observe

ceasefires; employing a mix of civilian and military personnel. These advanced UN peace operations became multi-dimensional as the mandates of these peace-operations had changed beyond merely peace-deployment observations to organising and observing party elections, referendums, the human rights situation, or the collection of weapons.

The means of the UN for achieving these aims did not change dramatically as they were still predicated on the principles of minimal use of force, the consent of both the host states and the parties of the conflict, and the impartiality of UN peacekeepers in the mission (Goulding, 1993, p.451-464; Mingst & Karns, 2000, p.85-86; Weiss et al., 2007, p.45-56). The UN now focussed on long-term conflicts, of which many had been sustained by Cold War dynamics and superpower rivalries. It also resumed its function of containing conflicts by allowing states to withdraw from conflicts, as in the case of the Soviet Union in Afghanistan and Cuba in Angola.

Several of the newer peacekeeping missions managed to fulfil their expanded mandates, such as the mission in Namibia (UNTAG 1989-1990) where the UN oversaw the withdrawal of South African troops and organised an independence referendum or the UN Iran-Iraq Military Observation Group (UNIIMOG 1988-1991) which successfully monitored the ceasefire between the two sides. The United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP 1988-1990) and the United Nations Angolan Verification Mission (UNAVEM 1989-1991) additionally oversaw the withdrawal of the Soviet and Cuban militaries respectively. The UN peacekeeping in Western Sahara (MINURSO) mission was established during this period⁸ and is very much a reflection of this era of UN peacekeeping.

The reason that UN operations directly after the Cold War often achieved its mandates may be caused by the fact that it was more selective in the conflicts it chose to intervene in than in later years. These missions were often based on agreements between the belligerent parties, the host states and in the case of occupations, the occupying militaries such as in Afghanistan, Angola or Namibia. The ongoing evolution of peace operations grew out of external changes to the international system. The further development and expansion of peacekeeping was embedded in the profound ideational and systemic change at the end of the Cold War.

⁸ MINURSO was agreed to by Morocco and the Polisario in 1988 but was not operational until 1991, the reasons why will be discussed later in chapter 5.

The collapse of the Soviet Union, and the initial instability of the successor state Russia, established the USA as the sole hegemon and precipitated ideational changes in international politics which subsequently affected the UN and peace-operations.

The end of the Cold War had a two-fold effect upon the UN and UN peacekeeping. Firstly, the break-up of the Soviet Union and weakening of the Warsaw pact reduced the binary nature of the UN Security Council (UNSC) and UN General Assembly (UNGA). This strengthened the position of the USA as the sole superpower resulting in greater influence over states and, in turn, the UN. Secondly, there was a decline in proxy wars between America and Soviet Union which contributed to a decline of interstate warfare and this reduction in tensions created an opportunity for an increase in UN peacekeeping operations (Bellamy, Griffin, Williams, 2004, p. 76-90).

Neo-realists maintain that states, and in particular great powers, set the agenda for international politics and that states, and the great powers, look to maximise their interests (Van Evera, 1998, pg.7-16). Therefore during the Cold War, and the resultant bifurcated structure of international power that led the USA and the Soviet Union to maximise their interests on every continent of the world, the UN was inhibited in the conflicts that it could act in. Whilst liberal institutionalism, which maintains many of the same assumptions as realism but focuses on explaining cooperation in international politics, state that institutions can adapt and evolve to a changing international system (Keohane, 1988, p.381-381). Whilst there is debate amongst proponents of both schools of thought (Mearsheimer, 2005) for the development of the UN both theories contain validity. Because since the end of the Cold War and the rise of the USA as the sole superpower, African states no longer remain as strategically important and this has resulted in an increase in UN attempts to manage conflicts in Africa and whilst this occurred there have been new issues within international politics that have forced the UN to learn, modify and adapt UN peace-operations.

At the same time, conflicts after the Cold War were perceived as being different to previous forms of warfare, and referred to as small wars, fifth generation warfare or new wars (Boot, 2002; Hannes, 2004; Kaldor, 2007), referring to the rise of non-state actors in warfare, changed modes of warfare that resemble insurgencies more than wars, and to civilians as the main victims of this new mode of warfare. These 'new' wars are enabled by a war economy which allows insurgents to finance themselves through loot, pillage and illegal trade.

Additionally, at least according to Kaldor (2007, pg. 3-4), ideological conflicts are increasingly replaced by identity politics.

There were other significant ideational changes in international politics that occurred after the Cold War. The post-Cold War period was greeted optimistically by several academics who argued that the fall of communism was affirmation of the liberal democratic framework of the West. This is encapsulated in an essay by Fukuyama (1989, p.4) where he argues that the end of the Cold War marks 'the end of history' and represents the triumph of liberal-democracy over other forms of government and the liberal democratic framework would subsequently be promoted by the UN.

Alongside this, the media's focus on wars had changed from interstate to intrastate warfare and the way wars were fought was perceived to have changed. The media also contributed to the process, in particular news television channels through its live reports and 24 hour news channels which directed images and videos of conflicts, to millions of households worldwide. This results in the public's increased awareness of events in previously remote countries and culminates in pressure being applied by the media, public and non-governmental organisations (NGOs) for governments to act mitigate the conflict (Jett, 2000, p.27). There is debate as to how the public opinion affects government, but there is recognition that strong public support forces the government to, at the minimum, take a position (Lyon & Malone, 2009). The changing perception of the warfare alongside the increased coverage of wars and the increased pressure on governments to react and attempt to allay these conflicts has contributed to the increase in UN peace-operations.

The end of the Cold War also precipitated a paradigm shift in international relations that sought to explore and question terms such as sovereignty, non-intervention, humanitarian intervention, human security and globalisation. Previously, security focused on the state, and war was mainly conceptualised as violent conflicts between states. Security was viewed as the promotion of negative peace; the absence of physical violence. In the field of international relations, a new and broader concept of security emerged which did not reduce insecurity to violent and military threats. Instead security was given a broader definition that not only considered the military but also the political, economic, societal and environmental conditions of a state (Buzan, 1991, p.19). Buzan (1991, p.370) was aware that broadening the concept of security was both useful and potentially dangerous as the term security in an

international politics sense creates an action priority that calls for exceptional measures to defeat any potential threats to security.

As a result of these changes, it was anticipated that the UN would have the ability to act in a more unified way and be able to resolve, as opposed to stabilise, conflicts. This resulted in the UN becoming more proactive in the international system. The obvious effect these changes had upon UN peace-operations has been two-fold. Firstly it led to the proliferation of peace-operations in the early nineteen-nineties and secondly it led to the development of the of UN peace-operations that sought to resolve conflicts.

The most notable change of UN peacekeeping following the official collapse of the Soviet Union was the UN's willingness to use force to achieve its goals. Several of its newer missions invoked Chapter VII of the UN charter which legitimises the use of force. These are peace-enforcement missions that have the goal of ensuring compliance with a cease-fire agreement under Chapter VII powers of the UN charter. UN peace operations no longer required the consent of all the belligerents to the conflict or the government of the state involved. Additionally, the difference between impartiality and neutrality was acknowledged, and therefore UN peacekeepers were given greater military discretion. To summarise, UN peacekeeping increasingly relied on force to ensure peace, and in some cases even governed states for a transitional period. The new peacekeeping missions remained multi-lateral and multi-dimensional, and retained a military and civilian component. However they also added cooperation with Non-Governmental Organisations (NGOs), to provide for any shortfall in expertise or funding (Abiew & Keating, 1999).

Examples for UN peacekeeping following the official end of the Cold War are in Namibia (UNTAG 1990-1991), UN Operation in Mozambique (ONUMOZ 1992-1994) or UN Observer Group in El Salvador (ONUSAL 1991-1995). The means by which the UN had set out to achieve its mandate differed, but all these countries were in a state of war and the UN's objectives in all three cases was to achieve a comprehensive peace. These missions are often viewed as successful because not only did the UN succeed in bringing about a ceasefire but these states did not relapse into civil wars and they helped introduce, and sustain, multi-party democracies. Critics, however, saw the prime reasons for the success in the war fatigue of the population and belligerents, and in the renewed international and regional support for peace (Fortna, 1993, p. 372-373; White, 1997, p. 274).

On the other hand, there were significant setbacks for the UN. The UN did not fulfil its mandate in the UN Assistance Mission in Rwanda (UNAMIR 1993-1996) and the UN Protection Force in Bosnia & Herzegovina (UNPROFOR 1992-1995) and the UN Operation in Somalia (UNITAF, UNOSOM I 1992-1995) are equally considered a failure. The UN failed in all of these cases to create conditions for peace, to protect the population or to distribute vital aid respectively. The failure of these missions is most pronounced in the case of Srebrenica in Bosnia, the UN designated specified areas as safe havens in May 1993 but attacks on civilians and UN peacekeepers continued in these areas. Srebrenica was eventually overrun by a Bosnian-Serbian paramilitary in July 1995, largely due to the UN's withdrawal from the area following the death of one of its peacekeepers. As a result, over eighth-thousand people were massacred (Weiss et al, 2007, pg.67-69; Zacarias, 1996, p. 78-91).

The criticisms of UN peacekeeping during this time include the impartiality in the conflict, as it was accused of bias and indifference. This was compounded by the difficulty of remaining impartial in ethnically and/or religiously charged conflicts. Its ability to defend itself was also questioned as the UN failed to keep the 'safe-havens' safe (Biermann & Vadset, 1999, p.29-30). The genocide in Rwanda, which occurred whilst a UN peace-operation was present, led Thakkur (1994, p.409) to question whether the term peace-enforcement is oxymoronic and stated that there is an inherent contradiction between the minimalist approach and maximalist objectives of these UN missions which was compared to that of an imperial power.

The UN was aware of these potential difficulties before they occurred and tried to counteract these issues. The UN report, *An Agenda for Peace* by Boutros-Ghali, was an attempt to adapt UN peacekeeping by developing a standing army for the UN, the use of regional organisations to enforce UNSC resolutions and overhauling the way the UN is financed (UNSG, 1992, A/47/277). However, international events were evolving quickly from the end of the Cold War and the UN was not able to enact reforms and adapt operations until a decade later.

Throughout the 1990s the UN had been attempting to formulate a more effective method to reduce intrastate conflicts. The UN had been moving away from its foundational assumption that all states are sovereign and that no state or organisation has a right to interfere in another states internal affairs. This has resulted in an ideational change regarding sovereignty within the UN. Rosenau (1998, p. 263) argues that the UN shifted from, a 'convenience-of-the-state'

mentality to a 'states-are-obliged-to-go-along' mentality. Accordingly the sovereignty of a nation could be revoked if they did not abide by international law and norms.

Further from this point it has been recognised that since the end of the Cold War, and furthered in the Global War on Terror, the UN has normatively shifted from state-security to population-security. This is due to a combination of international factors but also the failures of the previous peace operations in Rwanda (UNAMIR) and Bosnia (UNPROFOR) that failed to protect the civilian populations. The UN concluded that its reluctance to protect victims from aggressors damaged the standing and credibility of the UN (UN, 2000, A/55/305-S/2000/809, p. ix). Therefore peace operations continued in its efforts to limit casualties from wars but now placed an additional importance on the safety of civilians.

The Human Development Report further encapsulates this change as it is an annual report which attempts to measure the wellbeing of a state's citizens and adopted the broader definition of security advocated by Buzan (1991, p.19) to include the political, societal and economic aspects of security and not to reduce insecurity to military threats. These ideas were formalised by the international community when they were unanimously endorsed by all UN member states at the 2005 summit (UN, 2005, A/RES/60/1, para. 138-139). This advance has not been without critics that allege these norms can be manipulated by powerful states, explicitly the UNSC, to force their will upon weaker states and legalise the overthrow of regimes opposed by the UNSC (Mamdani, 2010, p.53-67).

As the concept of human security was becoming more prominent within the UN, peacekeeping began to further expand adopting a human rights mandate; monitoring, investigating and documenting the human rights situation and reporting publicly on human rights gain or gaps. The UN peacekeepers occasionally liaised and worked with the host nations governments as well as internal and external parties. In some peace operations the UN obtained the support of regional organisations and NGOs to help achieve the mandate objectives (Koops, et al, 2015, p.607-615; Yilmaz, 2005, p. 18-19). This was a process which had begun in the nineteen-nineties, but had been consolidated in the early millennium.

The fundamental development of UN peacekeeping is that the UN changed the desired outcome of subsequent peace-operations. The mandates had developed from restoring peace and stability to the state to now attempting, by military force if necessary, to redress the roots of the conflict and create the conditions for a lasting peace (Kenkel, 2013). This has led to critiques that the UN shifted from mitigating conflicts to attempting to manage and control

the roots of the conflict itself but in the process has disregarded the norms of sovereignty and non-intervention previously observed by the UN (Richmond, 2004, p.84).

In the year 2000, Brahimi was commissioned by the UN to write a report on peacekeeping. The report, referred to as the Brahimi Report, was written to address the criticisms of UN peacekeeping operations as well as provide a practical guide for peacekeeping operations as well as the framework for dealing with what were then the new problems of administering a state (UN, 2000, A/55/305-S/2000/809). UN peacekeeping now attempted to peace-build, state-build and attempt post-conflict resolution all in the aim of resolving conflicts definitively. The UN attempted to foster economic and social cooperation and laying the foundations for a durable peace. Examples of these are the state-building missions of UN Mission in Kosovo (UNMIK 1999-ongoing) and the UN Transitional Administration in East Timor (UNTAET 1999-2002)⁹, where the UN administered the territories through to independence (quasi-independence in the case of Kosovo).

From the development of these UN peace operations the difficulties of assessing a mission have become clear as all UN peacekeeping missions have differing objectives and capabilities. An analysis needs to contextualise the peacekeeping mission, including the interests and roles of the conflict parties and assess the actions of the UN within the conflict. The terms success and failure are often viewed by assessing the end result of the UN peacekeeping operation. They are concerned with the final outcome, and do not necessarily contribute to an understanding of what has caused the success or failure of a mission. A UN peacekeeping operation that had originally been perceived as a success/failure may be viewed differently in later years. It therefore seems necessary to develop a framework which analyses UN peace-operations more comprehensively, taking into account key aspects of every mission as well as the factors that can potentially inhibit or improve a UN mission's progress.

To conclude, UN peace operations have evolved and developed greatly in the last 70 years. There have been significant changes in the mandates of UN peace operations and conflict containment. Every UN peace operation fundamentally attempts to halt the conflicts, hinder their expansion and minimise the conflict. Two significant changes were identified. First at the end of the Cold War peace operations shifted from mitigating and containing conflicts to attempting to resolve them. This required the expansion of means, most notably the option to use force. Beyond this the means of UN peacekeeping developed further throughout the years.

⁹ The effect of the mission, which occurred during MINURSO, will be discussed in chapter 5

The second change occurred more recently with the shift from mediating conflicts to addressing its roots causes, among it increasingly the attempt to build or rebuild states. The objective to protect populations and limit casualties has also undergone profound changes. Originally UN operations had attempted to mitigate conflicts between the active parties, not in ignorance of civilian casualties but in the belief that mitigating the conflict would ultimately be to the benefit of civilians. This changed in the nineteen-nineties when the UN attempted to protect civilians but failed to do so in many notable missions, such as in Bosnia and Herzegovina, Somalia and Rwanda. Consequently, at the turn of the century the UN increased the priority of protecting civilians and increased their capacity to do so. Therefore, any attempts to analyse a UN peace mission must focus for the unique mandate objectives of each mission, the attempts of the UN to resolve the conflict and the actions of the mission to minimise, and prevent further, the fatalities resulting from the conflict.

3. Assessing the Role of the UN in Peacekeeping Operations

This chapter provides the theoretical and methodological framework for analysing the role of the UN in Western Sahara. In the first part it will be shown how MINURSO will be assessed for the work in Western Sahara, this will be built upon the work of Bratt (1996) who has attempted to develop a framework for assessing UN peace operations and the numerous academics that have provided criticisms and other points relating to Bratt's methods. He provided four key criteria; mandate performance, conflict resolution, conflict containment and limit casualties that will also guide the analysis of the UN in the Western Saharan conflict. These four criteria provide a comprehensive review of all types of UN peacekeeping missions.

After outlining and discussing these criteria it will become evident that additional factors outside the control of the UN influence peacekeeping operations. Therefore the second part of this chapter will discuss six key factors that affect peace operations but are exogenous to the UN - the role of the belligerent parties, a comprehensive settlement agreement (CSA), the Permanent 5 (P5) of the UNSC, the USA, regional powers and the traditional values of peacekeeping. These criteria will be applied to analyse the MINURSO peacekeeping mission. The chapter will end with an outline of the documents and sources used to analyse the UN. Most of the information on MINURSO is derived from UN sources and the challenges and potential bias this introduces will be discussed.

3.1 How to assess UN peacekeeping operations

So far relatively few authors have developed criteria for assessing peace operations of the UN. Instead many scholars have relied upon a 'face validity' test (Diehl, 1993, p.36), that is quite obvious cases of success or failure, such as for example the UN success in facilitating independence in Namibia or its failure in preventing the genocide in Rwanda. However, such face validity does not capture the complexity of most peace operations, nor is it constructive in determining the degree to which an operation implemented its mandate or whether the operation succeeded in some aspects of its mission whilst failing in others, not to mention the complex and value-laden nature of terms such as success and failure.

MacQueen (2008, pg.1-2) notes that within the field of international peacekeeping the possible criteria for success and failure has remained under-explored. Nevertheless, MacQueen (2008, p.2) has identified three broad schools of thought for assessing the success

of a peace-operation. The 'peacekeeping process' approach focuses on the legal operational setting of peacekeeping operations and the conduct of the operations. The 'peace studies' tradition which views peacekeeping operations as single events in a larger, longer-term and interconnected process of peace building and judge each UN operation accordingly. Finally, the 'world politics' school which is focussed on peacekeeping as an element in the management of the international system.

These schools of thought are permeable whilst the approach of this dissertation could broadly be described as following the 'peacekeeping process' approach by focussing on the means and the ends of an individual peacekeeping operation, in this case MINURSO. However, the dissertation also includes components of the 'peace studies' and 'world politics', as it seeks to assess the contribution of MINURSO to creating an environment for a more permanent and positive peace, whilst recognising and determining the wider international and regional system that UN peace-operations operate and function within and which serve to restrain or support individual mission. Essentially, as this dissertation is a study on the role of the UN, it must firstly look at the micro-level to ascertain what the UN has achieved/attempted to achieve in the conflict and then assess the macro-level to understand the role of external factors that have impacted upon the conflict.

Brown (1993) and Diehl¹⁰ (1993) were among the first authors to develop criteria for assessing UN peacekeeping operations. Between them they formulated five central questions for assessing UN peace-operations. Was the mandate fulfilled? Did the operation lead to a comprehensive resolution of conflict? Did the presence of the operation contribute to the maintenance of international peace and security (Brown, 1993, p.20-29)? Was the operation able to limit armed conflict? Did the operation facilitate conflict resolution? (Diehl, 1993, p.36). Building on these questions, Bratt (1996) condensed four criteria - mandate performance, facilitating conflict resolution, conflict containment and limiting casualties to systematically assess peacekeeping.

The dissertation will build on the work of Bratt¹¹ (1996, 1997) who comparatively analysed 39 UN peace-operations from 1945 to 1996, and developed a framework that assesses

¹⁰ Noted by MacQueen (2008) as a key thinker of the 'peacekeeping process' school of thought.

¹¹ The framework of this dissertation is developed on the work of Bratt, specifically two articles: Bratt, D. (1996) Assessing the Success of UN Peacekeeping Operations, *International Peacekeeping*, Vol. 3, Iss. 1, p.64-81

whether a UN mission has been successful. However, Camilleri (1998, p.337) has criticised that Bratt's criteria places too much emphasis on the final objective of a UN mission without taking the context, rationale and structure of the peace operation into account. He also sees that the attempt to either determine success or failure in peacekeeping operations as too static. In response to his critics, Bratt (1997) later developed a further set of criteria that furthers our understanding of UN peace-operations by assessing the role of factors outside of the UN's direct control. This dissertation will seek to analyse the role of the UN in the Western Saharan conflict whilst also considering the context, structure and outside factors affecting the peace-operation. This chapter will provide the framework of this approach, building on the work of Bratt addressing the critique against his approach and explain how it will be applied for the MINURSO mission in Western Sahara.

This dissertation will apply Bratt's (1996) framework to analyse the role of the UN in MINURSO in Western Sahara. However, Bratt's rating for each criterion as either success, partial success or failure will be adapted to provide a more in-depth analysis that captures the complexity of the conflict to a greater degree than an absolute binary. As Bratt assessed 39 UN peace-operations from 1945 to 1996, his analysis seems at parts simplistic or even arbitrary as it is not always clear as to which factors caused him to rate a case as a partial success whilst other similar cases are rated as failures. The case study approach used in this dissertation will provide a more detailed and process oriented evaluation of each of the four criteria and the social dynamics that characterise their development in the case of MINURSO.

A framework for assessing UN peacekeeping operations

According to Bratt, the first and potentially the most important criteria, mandate performance refers to the mandate given to the peace-operation by the UN Security Council (UNSC). UN peace-operations are given mandates that outline their main objectives. These objectives are issued before the operation takes place and are usually renewed bi-annually or annually. While it may be simple to determine the ultimate mandate performance, the feasibility and practicality needs to be taken into account. Often, the language and objectives of peace-operations mandates are rather vague or technical, which complicates the assessment of success. Additionally, objectives of missions can be politicised and are then often quite

Bratt, D. (1997) Explaining Peacekeeping Performance: The UN in Internal Conflicts, *International Peacekeeping*, Vol. 4, Iss. 3, p.45-70

unrealistic, for example if the mandate is not contextualised to the conflict but follows the interest of the Permanent 5 (P5) Security Council members who set the mandate. Bratt (1996, p.67) points to the case of the United Nations Interim Force in Lebanon (UNIFIL 1978-present), which aimed at the restoration of the authority of a government that had already collapsed.

More importantly, peace operations can have a positive effect in a country without achieving the ultimate objectives and an assessment of success or failure is too simplistic to acknowledge these effects. This is especially true if the mandate objectives are taken as the sole aims of the mission. While this dissertation will assess the role of MINURSO with respect to the main mandate, that is organising a referendum for the independence of Western Sahara, it will also include an assessment of the more technical objectives that were necessary to achieve this objective. This will provide a clearer assessment of MINURSO than just assessing the ultimate aim of organising a referendum.

The conception and strength of the UN peace operation must also be assessed in relation to its mandate performance. Doyle and Sambanis (2000, p.789) argued that the larger and more multi-dimensional a UN peace-operation, the greater the chance of achieving its mandate. Their argument has been supported by others who observed that the presence and amount of UN peacekeepers is important to fostering cooperation between the parties. The larger the personnel the more likely the UN mission is able to foster cooperation between the belligerent parties (Ruggeri et al., 2013, p.388). Therefore the capabilities and powers granted to MINURSO by the UNSC will be assessed to ascertain the dimensionality of the mission and the strength of the operation in terms of civilian and military personnel before drawing any conclusions on mandate performance of MINURSO. However, the mandate of each operation provides a unique measurement for assessing a peace-operation and is thus used as one of the four criteria for a wider analysis of MINURSO, whose central mandate was to hold a referendum on the independence of Western Sahara in order to allow Saharans to exercise their right of self-determination. As it is the UNSC sets and approves the mandate and the UN P5 are crucial to any success of a UN peace-operation and their role will be explained and assessed later in the dissertation.

The second criterion for assessing UN peacekeeping operation is whether it has contributed to the resolution of the conflict. This criterion was developed in the context of the development of UN peacekeeping operations throughout the nineteen-nineties which

identified the resolution of a conflict as the ultimate objective. It was also guided by the assumption that the successful resolution of a conflict would manifest itself most visibly in a peace-treaty in international wars and a power-sharing agreement or a referendum/independence in an internal war (Bratt, 1996, p.68). Peace-operations have been credited as a prelude to a resolution to conflict such as in United Nations Emergency Force II based in Egypt (UNEF II 1973-1979), which helped to prevent further fighting between Egypt and Israel and aided the political process that eventually led to a peace-treaty between Egypt and Israel (Bratt, 1996, p.68).

However, UN peace-operations have also been criticised for stalling, as opposed to resolving, conflicts. An example would be the United Nations Peacekeeping Force in Cyprus (UNFICYP 1964-present). The mission managed to stop the escalation of the conflict and halt the fighting between the two sides but also fostered entrenched positions by the opposing parties in the conflict. There are issues of timing become apparent in the case of UNFICYP. Initially, applying the face-validity test UNFICYP appeared a success for its first decade as it succeeded in holding a ceasefire. When fighting resumed briefly in 1974 UNFICYP was viewed as a failure (Bratt, 1996, p.68-69). Additionally this criteria places responsibility for the conflict's dynamics solely on the UN peacekeepers, when ultimately responsibility should lie with the conflicting parties. Therefore the role of the parties to the belligerent conflict cannot be ignored.

Whilst the ability to resolve conflict is surely the most significant aim of a UN peace-operation, it can only be applied after all other aspects of the mandate have been fulfilled. It is also unlikely that the UN could resolve every conflict nor could it ever do so by itself. This highlights the shortcomings of binary classifications as success and failure. Instead it seems more fruitful to look at the process of an intervention and thus to examine what and how the UN attempted to resolve the conflict over a certain time frame. As the examples of UNEF II and UNFICYP highlight the original mandates of a UN peace-operations have often developed in ways that been beyond the control of the UN. With regards to MINURSO this dissertation will also assess approaches to conflict resolution that differ from or evolved from the original settlement plan. Alongside this the role and importance of the belligerent parties, neighbouring states and the P5 members will also be studied to provide a more complete view of the forces that were leading the process.

The third criterion, conflict containment, refers to the ability of the UN to prevent the escalation of a conflict. An escalation can include the intensification of violence and/or the extension of the violence to other districts and states. There is debate as to whether UN peace-operations are effective in maintain peace (Fortna, 2004) or whether the effect of UN peace-operations is minimal in this regard (Dubey, 2002). Bratt (1996, p.75) rates for example the United Nation Transitional Authority in Cambodia (UNTAC) as success with respect to conflict containment. The UN succeeded in de-internationalising the conflict when Vietnam withdrew its troops from Cambodia, China reduced its support of the Khmer Rouge and the Thai military reduced its interventions in Cambodia. There are issues with Bratt's methods for this criterion as it is not clear as to how each UN peace operation is assessed. The UNFICYP in Cyprus and MINURSO are both assessed by Bratt as moderate successes that are neither outright success nor outright failures. It remains unclear as to why Bratt has made these designations as Greece and Turkey engaged each other militarily in Cyprus in 1974, whilst Western Sahara has maintained a ceasefire since the implementation of MINURSO. This highlights the lack of in-depth analysis in Bratt's large scale comparison and therefore serves as validation for the qualitative approach of this dissertation.

Included in Bratt's criterion of conflict containment is the dimension of localising the conflict and minimising the influence of outside actors in internal conflicts and these examples also show that conflict containment refers to the goal of minimising military involvement of other states in the conflict. Even though the Western Saharan conflict has never threatened to become an international conflict the effects of the conflict have occasionally threatened to spill over to other regions on several occasions. Outside actors, namely the neighbouring states of Mauritania and Algeria, and the global powers of France and the USA play important, albeit varying, roles in the conflict. Conflict containment is thus an important aspect pertaining to the effect of MINURSO in Western Sahara. For the purposes of analysing the role of the UN this criterion will focus upon the incidents between Morocco and the Polisario that have threatened to reignite the conflict. It will also assess the potential of the conflict spreading to neighbouring states.

The final criterion refers to the ability of the UN to limit casualties. The concept of human security has become prominent within the UN, some argue it became among the guiding norms of the UN after the Cold War, and the UNSC has increasingly taken action to protect it (Hultman, 2012; Paris, 2001). In regards to limiting casualties Bratt (1996, p.78) notes that, as a peace-operation can go awry at any time, a reduction in casualties does not necessarily

lead to the resolution of the conflict. However, the improvement of the situation for civilians is an important and worthwhile target. The drop or increase of casualties can be quantitatively evaluated. However data is often lacking and not always reliable. According to Bratt a focus should also be on the number of deaths of UN peacekeepers, as their death can indicate how the UN is perceived by the belligerent parties.

However, the real test for the fourth criteria needs to access the number of civilian deaths. Civilians were not systematically targeted, by either side, in the Western Saharan conflict and since the deployment of MINURSO the ceasefire has generally held. The dissertation will extend the definition of limiting casualties from just UN peacekeepers and deaths attributed to the parties, to include the deaths resulting from mines planted by both parties and the situation of the refugees in the camps of Tindouf.

External factors that affect UN peacekeeping operations

Peace-operations have been under-theorised in regards to international relations and have often been portrayed as non-ideological by academics (Pugh, 2003, p.104; Paris, 2000, p. 35). It has also been noted that there has been a lack of academic engagement that seeks to situate peace-operations within international relations theory (Pugh, 2003, p.104). Paris (2000, p.27) argues that peace-operations have remained separate from international relations as academics have focussed on policy-related issues namely the design and conduct of specific missions. There has been a greater interest in the micro level, which is individual UN peace operations, rather than the macro level, namely the structure of international politics in which peace operations are embedded. This dissertation will analyse both the micro level of peace operations, but also discuss how macro level factors influence them and thus contribute to a comprehensive analysis of the UN as well as the addressing a fundamental weakness of other studies. To adequately analyse the role of UN peacekeeping in Western Sahara it will make assessments at the micro level by assessing the role of the UN in the aspects of mandate performance, conflict resolution, conflict containment and limiting casualties and the actions of the belligerent parties. It will also assess the affect powerful states have in UN peace operations by assessing the influence of the UNSC Permanent 5 members, in particular the USA, as well as the role of the neighbouring states, Algeria and Mauritania and the belligerent parties themselves.

There are numerous factors that affect the performance of UN peacekeeping. The UN is usually not the only intervening actor, and UN peace-operations are shaped by political developments beyond the intervening country. Reflecting on this Bratt (1997) has also provided a list of factors that shape peacekeeping operations, but over which the UN has no direct control. These factors are: '(1) the role of the parties to the conflict; (2) the existence of a Comprehensive Settlement Agreement (CSA); (3) the role of the five permanent members of the Security Council (the P-5); (4) the role of the United States; (5) the role of regional powers; and (6) the maintenance of the three traditional principles of peacekeeping: consent; impartiality, and limited use of force' (Bratt, 1997, p.46). It will be necessary to consider each of these factors to make any judgements on the role of the UN in MINURSO.

The role of the parties to the conflict is crucial to the performance of any UN peace operation as the internal affairs and dynamics of a conflict are arguably more important than the external conditions (Malaquis, 2002, p.416). This dissertation will refer to Morocco and the Polisario as the belligerent parties and Algeria, Mauritania, USA and France as the principal outside parties to the Western Saharan conflict. Bratt (1997) differentiates the role of the parties between cooperation, non-cooperation and interference. Co-operation means that the party assists the UN in fulfilling their mandate. Non-cooperation is more complex and includes any attempts at preventing the peacekeepers from fulfilling certain aspects of their mandate without however, directly interfering in the UN activities. Interference includes the utilisation of force to prevent the peacekeepers from fulfilling their mandate or to disrupt them in their activities. Interference tries to interrupt the missions' ability to operate at all.

These terms help to describe the behaviour of the parties. The term behaviour is taken to mean the actions and rhetoric of the Morocco government and the Polisario movement in relation to MINURSO, the UN and the wider Western Saharan conflict. This dissertation will apply the terms of cooperative, non-cooperative and interfering to the actions of the belligerent parties. The actions of the both Morocco and the Polisario, will be assessed with regards to the mandate. There are eight parts of the MINURSO mandate, the actions of the parties to each mandate objective will be analysed. As the mandate for MINURSO changes it will assess which of the parties, if any, is responsible for the change in mandate.

A Comprehensive Settlement Agreement (CSA) is vital for the success of peace-operations. It formalises the consent of the parties and legitimises the UN's presence, but also lays out the relationship and levels of cooperation between the local powers and international

peacekeepers. A CSA ideally also develops mechanisms for communication between the various bodies of the UN, the parties to the conflict and other interested states and reinforces the multilateral peace-making process that preceded the signing of the CSA. Most importantly, it also lays out how the conflict will be resolved (Bratt, p.49, 1997). Additionally Bratt argues that parties who sign a CSA are more likely to co-operate with the UN.

Weiss and Daws (2008, p. 16) identified that within the UN there are two main bodies which serve differing functions. There is the UN apparatus that serves as an international civil service and functions to maintain and ensure missions, such as MINURSO, are effectively run. The more prominent UN is the forum where states make international decisions, specifically the UN General Assembly (UNGA) and the more preeminent UN Security Council (UNSC) (Öberg, 2006, p.882-885). Whilst the former runs the day to day activities of MINURSO, the latter is undoubtedly crucial to any UN peace operation. In particular the five permanent members of the UN Security Council (P5) make the important international decisions and are crucial to a peace-operations success as they have the financial, military and political power to significantly influence and thus to shape peace-operations (Hampson, 1997, p.729-733).

Assessing the P5 actions helps to separate the actions of states the most important UN member states to those of the UN. Bratt lays out the key factors to assess the P5 which are; the consensus among them, the commitment to the operation by the members and the impact their national interests have on operational success. In terms of consensus, the establishment of a peace-mission only accounts as evidence of low level consensus. Additionally it is required to analyse the way a mission is operated and how the P5 influence the operation; and the tasks it is entrusted with. For MINURSO this will require a review of the Security Council Resolutions, UNSC meeting minutes and assessing the general behaviour and actions of the P5 members with respect to the peace operation in the UN assembly, other UN bodies and directly in the conflict.

Whilst there is debate as to how much the interests of the UNSC P5 members are furthered by UN peace operations (Paris, 2000, p.38) authors from the neo-realists school of thought argue that major western powers employ UN peace operations in part to further their own interests (Neack, 1995, p.181-196). This is substantiated by the conflicts that they choose to intervene in and the positions that the P5 take on UN resolutions and UN peace operations. According to Boutros-Ghali (1995, para.41) belligerent parties often perceive that a peace-

operation is furthering the objectives of the main contributing government as opposed to the collective will of the United Nations. An obvious point of analysis is to refer to the competition among the P5 powers for control over resources, important geographical positions and government relations in both the host state and the UN peacekeeping operation (Paris, 2012, p.501). Bratt (1997) states that the optimum UN peace operation would have the P5 merely responsible for the funding and logistics of peace-operations, but that they would not take themselves have a prominent role in a peace-mission as involvement of one state may already be used by the conflicting parties to discrediting the impartiality of the peacekeeping operation. This dissertation will analyse the nature and degree of involvement of the P5 powers.

Bratt (1997) argues further that the role of the USA requires greater attention despite being one of the P5 powers because the USA's finances are vital to the UN. The USA funds 22% of the UN's budget and 27% of UN peace-operations (UN, 2016, ST/ADM/SER.B/932; Schaefer, 2010). Therefore its peace-operations and its role in international politics, outside of the UN, as the hegemonic power mean that its influence and power, both militarily and economically, are crucial to a successful peace-operation. Bratt especially emphasises the role of the USA in six areas; logistics; finances; establishing operations; conducting operations; preventing operations; and pursuing US interests. Indeed, the USA also plays a critical role in MINURSO and therefore the role of the USA will be scrutinised more than the other P5 powers.

There is a further aspect of the UN that this dissertation will examine that is not outlined by Bratt, the role of UN Secretary-General (UNSG). Ray and Kaarbo (2005) argue that national leaders generate foreign policy through their own values and perceptions of international politics, therefore the individual leader through their beliefs can influence international events. The UNSG, as the title suggests, is both the chief administrative and chief political operative of the UN. Indeed, it was the beliefs and initiative of a former UNSG, Hammarskjöld, who is said to have been the 'principal inspiration to the present-day peace-making efforts' (Gibbs, 2000, p.361). A hypothesis drawn from neo-realism is that if the UNSG has close relations with the USA and the other great powers the greater the chances that the UN will be engaged and therefore successful in resolving the conflict (Burgess, 2008,

p.41). Therefore this dissertation will carefully examine the roles of the UNSG¹² throughout the period examined, paying particular attention to the level of interest and the content of the interactions of the UNSG with the mission and other UN P5 members.

Regional powers are crucial to all issues that relate to the mandate objectives of the mission. Regional powers can have an effect on a conflict as they can have a greater stake than other members of a peace-operation alongside a greater knowledge of the region and a shared culture/language. Indeed, some academics argue that mediators which are stakeholders in the conflict are more successful (Crocker, Hampson & Aall, 1999). However, they can also have their own interests and objectives in conflict and they can become an obstacle to peace in the conflict, if they overtly support a nation or faction or covertly support their factions through military equipment, advisers and/or financial support.

Bratt (1997, p.60-61) differentiates the role of these states as leaders, assisters or obstructers. Leaders provide diplomatic assistance, contribution to troops and equipment, giving financial assistance to the mission and/or putting pressure on the belligerent parties. Assisters may not wish to become too deeply involved in the conflict but may provide ground troops for the UN peacekeeping operation, allow peace conferences to be held in their state, allowing military/humanitarian bases on their territory and/or allowing refugee camps to be set up in their state. Finally, obstructers provide military assistance to one or more of the parties to the conflict, violate UN sanctions/agreements and refusing the UN permission to use their state territory for border patrols, bases and refugee camps.

In the case of MINURSO the role of Mauritania and Algeria will be assessed. The purpose of this dissertation is to gain a greater understanding of the UN and the roles of the regional powers will be scrutinised in greater depth. The concepts of leader, assister and obstructer will be used to examine the relationship of Algeria and Mauritania in relation to MINURSO, in particular regarding the pursuance of the mandate objectives. Due to their proximity and interests, regional powers also play a key role in the resolution and the containment of the conflict especially during critical periods when the resolution appears near or the threat of conflict reigniting appears possible and therefore their role and interaction with the parties to the conflict and MINURSO will be examined to better assess the UN.

¹² The UNSGs during the period examined were Javier de Cuellar (1982-1991), Boutros-Ghali (1992-1996), Kofi Annan (1997-2006) and Ban Ki Moon (2007-2016).

Finally, Bratt (1997) states that the traditional principles of peacekeeping should be maintained and based upon consent, impartiality and limited use of force. The consent of the parties is analysed further than in the previous article but here it is used to refer to the agreement of all parties to the conflict to the peace-operation. Consent allows peacekeepers to pursue their mandate and reduces the chance of violence against them. One of the central issues of UN peacekeeping operations is the tension that exists between the need for diplomatic compromises needed to gain and continue a mandate and the essential requirement of objectivity in peacekeeping (Sanderson, 1998, p.109).

Whilst impartiality is defined as the UN's attitude between the parties, Bratt (1997, p.64) states that in the event of one of the parties to the conflict abrogating a facet of the agreement, a peacekeeper must ignore the transgression, continue with the mandate or withdraw the mandate. This is because following the traditional principles of peacekeeping it is difficult to force one of the parties to adhere to the mandate. In the case of MINURSO the traditional concepts of peacekeeping are central to maintaining the ceasefire and thus the whole operation in Western Sahara, besides the two parties have not engaged militarily and therefore the application of peacekeeping has less importance than in other UN missions.

3.2 Western Sahara Data

To apply the above criteria I will use the resources available but the conflict suffers from a general lack of sources and literature on the role of the UN in the Western Saharan conflict. Most writings stem from the UN itself, and the empirical analysis will draw heavily upon the reports of the UN relating to Western Sahara between 1987 and 2007. In all it has analysed 60 Secretary-General reports that provide an overview of MINURSO's activities, 33 UNSC resolutions as well as several UNGA resolutions that have been issued and the minutes that were published from the UNSC resolution meetings dating back to 1994. These documents also include the publicised aims of P5 members and indicate to potential discord between them. Further, the dissertation evaluated a large number of letters that were sent from Morocco, the Polisario (often sent by Namibia on their behalf) or Algeria to the President of the UNSC. In these documents the states justify and explain their actions, but also inform the UNSG of infringements by the other party. Reports by other UN affiliated bodies, such as the UN Fourth Committee, monitoring group reports and debates from the UN Economic and Social Council that provide further information on Western Sahara and the MINURSO mission were additionally taken into account. Alongside the publications by the UN and the

parties to the conflict, *International Peacekeeping* and *Journal of International Peacekeeping* have collated information relating to MINURSO and regularly provided updates on its progress. Both journals also regularly covered development in Western Sahara, and as well as reporting on the parties actions.

These documents and articles provide a detailed overview of the conflict and MINURSO's peacekeeping activities. They outline mandate objects, provide a regularly updated overview of achievements or setbacks, list casualties and were systematically analysed to assess the performance of the UN in Western Sahara. These documents are also crucial in assessing the role of MINURSO in limiting casualties as they provide data on the deaths of UN peacekeepers and report on mine casualties. With respect to these criteria the documentation of mine casualties by the NGO, Mine Action, was additionally used. These UN, or UN-based, documents are more descriptive than analytical and their descriptive nature means that the context and rationale for states and the UN's actions is not provided. This is more problematic in assessing the specific role of the UN in MINURSO and the impact of outside influences upon MINURSO. These documents are also fraught with issues of bias as the UN may be selective in what they reproduce in widely available reports.

To provide greater context of the situation in Western Sahara and the conditions in which the UN and the other parties were acting in, the UN sources will be referenced by the wider literature relating to Western Sahara and the annual reports of the NGO's, Amnesty International and Human Rights Watch on Western Sahara. These reports mainly focus upon the political context of Western Sahara and NGO's have issued reports that also scrutinise the operations of MINURSO specifically. Furthermore the information provided by the UN sources will be cross-referenced by the journal, press articles and the wider literature of the Western Saharan conflict.

4. The Historical Background to the Western Saharan Conflict

This chapter will provide an overview of the conflict dynamics in Western Sahara since the independence of Morocco in 1956, but focus particularly on the actions of the UN. It will provide a background and contextualise the Western Saharan conflict into three parts. The first section will deal with the history of the conflict and will outline the positions of the relevant parties to the conflict. At the outset it will focus upon Morocco, Mauritania and Spain with regards to Western Sahara. Then it looks at the development of Western Sahara and Sahrawi nationalism that led to the creation of the Polisario. Following this, will be an overview of the development of the Western Saharan conflict with a particular reference to the actions of the UN. During this whole period the role of the UN has varied and there have been long time periods when the UN has remained marginalised from the conflict. The third section will introduce main conflict actors and the dynamics that led the UN to once again become involved.

4.1 The Parties to the Conflict

In 1912, France was granted a protectorate over Morocco. Later, France permitted Spain to have a protectorate over territories in Northern and Southern Morocco. Western Sahara (then known as the Spanish Sahara) was colonised by Spain in 1886 and fully incorporated as a province of Spain in 1958 (Mercer, 1976, p. 198). After the Second World War, Morocco sought independence from both France and Spain. In 1956 the protectorates of France and Spain in most of Morocco came to end but Spain still held Ifni in Southern Morocco as well as Ceuta and Melilla in Northern Morocco as well as Western Sahara. Ifni was returned to Morocco in 1969, whilst Ceuta and Melilla to date remain Spanish enclaves in Northern Morocco.

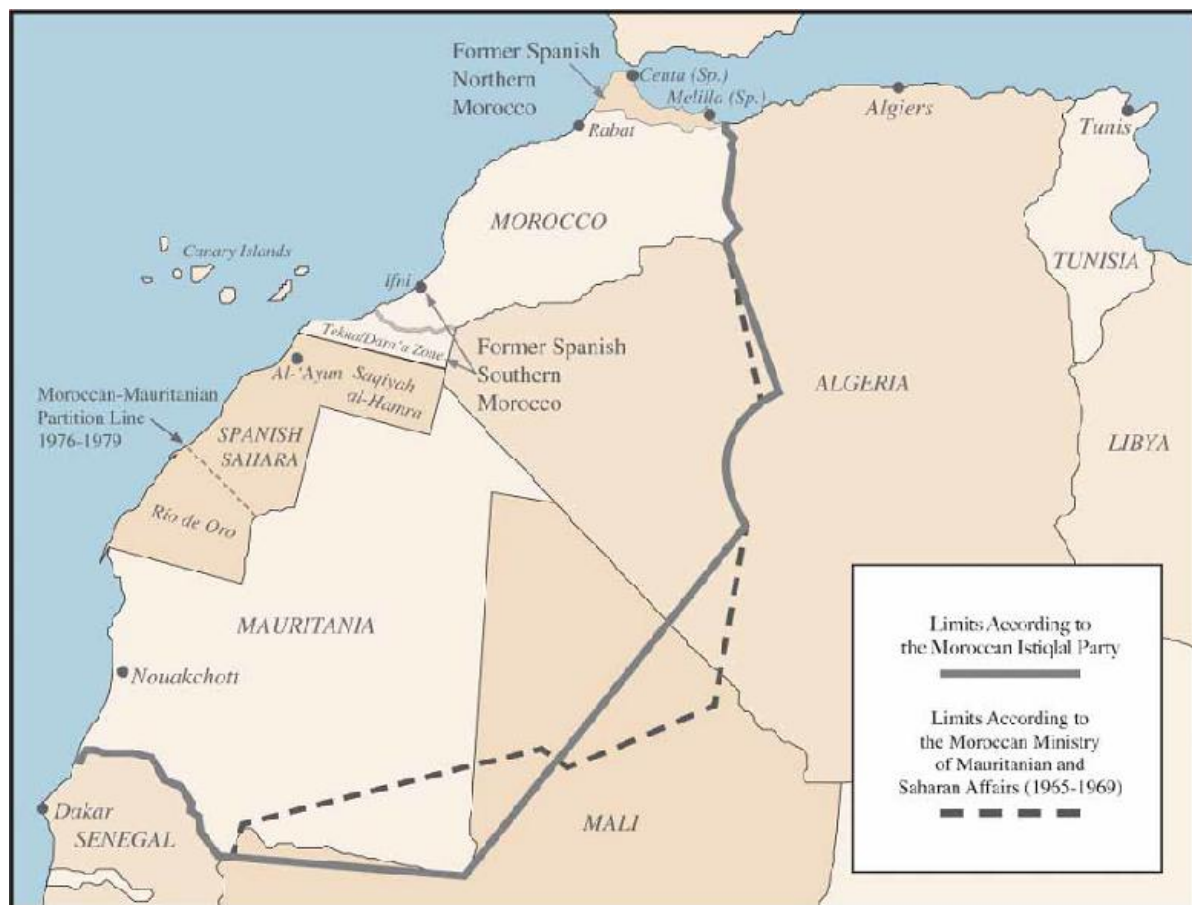
After independence, Moroccan nationalists argued that European colonialism had dismembered Greater Morocco (image below). In 1957 Morocco staked its territorial claims to the territories of Ifni, Western Sahara and Mauritania (UN Yearbook 1957, pg. 290). During the reign of King Hassan II (1961-1999) Morocco pressed more forcefully for these territories. The incorporation of Western Sahara into Morocco enjoyed widespread support in Morocco and was additionally supported by the majority of Arab governments (Mundy, 2006, p.285). The Western Sahara conflict was used by King Hassan II to boost public support and to maintaining and consolidating his power (Gleijeses, 1996, p.171).

With the reclamation of Western Sahara King Hassan gained the support of all political parties, which opted for a Greater Morocco, and the Moroccan public which had been resistant to Hassan's autocratic tendencies. It also gained the support of the military, and the ongoing conflict in Western Sahara kept the military active and distant from the key political centres of power in Morocco (Mundy, 2006, p.279; Bhatia, 2001 p. 292).

Mauritania, which gained independence from France shortly after Morocco in 1960, followed its own irredentist objectives and also claimed Western Sahara as its own territory (UN Yearbook 1964, p.422). Its claims were based on shared ethno-linguistic heritage.

Additionally, Mauritania wanted to establish a buffer zone against the expansionist Moroccan state, which refused to accept Mauritania's own independence (Mundy, 2006, p.281; Zoubir, 1990, p.180). Morocco, however, eventually recognised Mauritania in 1969 and dropped its territorial claims. Mauritania's position on Western Sahara fluctuated as the government sought to balance their own interests with that of the more powerful Morocco. Domestically, the government reintroduced the idea of Mauritanian absorption of Western Sahara whilst internationally supporting self-determination for the inhabitants. Eventually, Mauritania came to support partition of the Western Sahara territory (Warner, 1990, p.29)

Map 1 - Greater Morocco



Source: (Mundy, J., 2006, p.280)

Spain aimed at retaining Western Sahara as a colonial territory. There had been calls from the UN for self-determination for the Saharans since 1966 (UNGA, 1966, A/RES/2229). Spain consistently worked against the organisation of a referendum citing the nomadic, Islamic and under-developed nature of Western Sahara and its population as a reason to maintain its own power. Spain had since 1962 set up native councils that were supposed to represent the Western Saharan population. In 1967 Spain addressed the increasing international and domestic pressure and additionally set-up a consultative chamber, the *djemma*, to provide the appearance of self-rule. But ultimately, the Governor-General was not obliged to endorse any of the *djemma*'s recommendations and the state's budget was still set by the government in Madrid to give the appearance of native representation but power resided with the Spanish Governor-Generals of the province and the Madrid government (Mercer, 1976, p.197-201 & 224; Hodges, 1983, p.139). It took until 1971 for Spain to ostensibly agree to accept a UN supervised referendum, but even then it continued to stall the process, to restrict access to the Western Sahara and actively withhold information (Mercer, 1976, p.215, 237).

Whilst Spain, Morocco, Mauritania and various international organisations were deliberating over Western Sahara, the Saharans themselves were beginning to organise themselves politically. Many Saharans during the nineteen-fifties joined the Moroccan Liberation Army's (MLA) fight for independence¹³. Morocco used this historical fact as an example of the shared history and of a joint state (Maghraoui, 2008, p.117).

The experience during the independence struggle, together with profound socio-economic transitions, among it improvements in the education sector, and the increased sedentarisation of the previously nomadic population raised political awareness and improved the organisational capabilities of the Saharans. The latter was further strengthened by the return of Saharans, who had been educated in Morocco and now took a leading role in the organisation of a number of decolonisation movements, which opted either for full independence or for the integration in the Moroccan state¹⁴.

The Spanish authorities repressed these groups, violently suppressed public demonstrations and jailed activists. An example would be the *Harakat Tahrir* (movement of liberation) that organised a demonstration against Spanish rule in 1970. The colonial government injured and killed several Saharans connected to the group and arrested hundreds of protesters. The leader of *Harakat Tahrir* disappeared and is presumed to have been killed by Spanish authorities (Abi-Mershed & Farrar, 2014, p.31).

One of the last groups to be founded under Spanish administration was the *Frente Popular de Liberacion de Saguia el Hamra y Rio de Oro* (the Polisario). The Polisario was founded in 1973 as an anti-colonial movement, and presents itself as the main representation of Saharan independence. The Polisario was modelled on the basis of other anti-colonial movements; sought to end economic exploitation (most notably slavery), to advance the rights of women and to end the tribal hierarchy of Saharan society which was considered as antithetical to progress and development (Hodges, 1983, p.163-164). The Polisario interprets itself as a political administration of a state in waiting, has developed diplomatic representations and

¹³ The MLA was defeated by a joint Spanish-French force in Southern Morocco in 1958 and later disbanded and partially incorporated into the Moroccan army.

¹⁴ In 1966, the Front for the Liberation of the Sahara from Spanish Domination; in 1967, the Movement for the Liberation of Seguia el-Hamra and Rio de Oro (Harakat Tahrir) was founded by Muhammad Embarak Bassiri. In 1969, the Revolutionary Movement of the Blue Men (MOREHOB) was founded (Mercer, 1976,p.228). Finally, in 1973 the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario) and Brahim Ghali and El-Ouali Mustapha Sayed were founding members. For more information: Mercer, J. (1976) *Spanish Sahara* (George Allen & Unwin: London); Pazzanita, A. & Hodges, T. (1994) *Historical Dictionary of Western Sahara* (Scarecrow Press: London)

managed to build up an army, the Saharan Peoples Liberation Army (SPLA). The SPLA engaged the Spanish, Mauritanian and Moroccan armies with mixed success. The Polisario originally fought against Spanish colonialism. When in 1975 the administration of the Western Sahara was transferred to Morocco and Mauritania, they continued their resistance against both states, but in particular targeted the weaker Mauritanian forces.

In their fight against Spanish colonialism the Polisario received limited external support from Mauritania and Libya. Since 1975 they have received extensive material and political support from Algeria and have received intermittent support from Libya, Cuba and Spain. Algeria up to date maintains a close relationship with the Polisario. Algeria fought a particularly violent independence war with France, and as a consequence Algeria identifies itself as an anti-imperialist power and an international supporter of liberation movements. Additionally, Algeria and Morocco are the largest and most powerful states in the Maghreb¹⁵ and both states compete for supremacy (Zoubir, 2007, p.158-163; Zunes, 1995). Therefore, despite the changes in the international system, as well as within Algeria, after 1975 the bond between the Polisario and Algeria remains strong. Algeria has hosted the Saharan refugee camps, which are administered by the Polisario, at the border town of Tindouf. Algeria has also provided the Polisario with both diplomatic and military assistance and provided the SPLA with a base to launch attacks against Morocco from Algeria (King, 2014, p.76). Algeria has consistently claimed that the whole of Western Sahara is not, and never will be, part of Moroccan territory.

4.2 The Western Saharan War

Up until 1973 the role of the UN with regards to Western Sahara was understated as it broadly preferred to issue UNGA resolutions and could thus be described as ‘defining the legal and institutional framework of the conflict’ (Roussellier, 2014, p.119). The UN was not particularly active in resolving colonial disputes throughout the 1950s and the UN has not been keen to resolve colonial issues through peacekeeping operations. However, following the Second World War, the UN advanced into a major norm-setting organisation. With the expansion of member states throughout the nineteen-fifties the majority of the states were post-colonial and thus opposed towards colonialism. Albeit the UN in the nineteen-sixties still did not attempt to actively resolve colonial conflicts, among them Western Saharan, but

¹⁵ The Maghreb is composed of Morocco, Algeria, Tunisia, Libya, Mauritania and Western Sahara.

the UNGA did set the legal framework for resolving the conflict by supporting decolonisation and thus setting a precedent for Western Sahara to follow.

Both superpowers were explicitly condemning colonialism and in 1960 the UNGA passed resolutions 1514 and 1541. Resolution 1514 states that foreign domination of a territory and subjugation of its peoples is contrary to the UN charter and a threat to peace. It also, emphasised self-determination as the means by which colonised peoples can pursue their social, economic and political freedom (UNGA, 1960, RES/15/1514). Resolution 1541 states that self-determination may manifest itself as an independent sovereign state, free association with an independent state or integration with an independent state (UNGA, 1960, RES/15/1541).

Morocco immediately challenged the applicability of the resolutions with regards to Western Sahara, claiming an exceptional status. Accordingly, during the colonial period Moroccan territory was divided between Spain and France and contained an international city (Tangier). Morocco claims that all these territories were, and remain, Moroccan and that they should be reintegrated into Morocco and are not appropriate for self-determination. However, Hanauer (1995, p.135) and Gardner (2000, p.119) clarified that the international law is clear regarding self-determination and that it refers specifically to the rights of colonial people. Indeed, Hanauer (1995, p.151) states that, 'the right to self-determination, then, is best characterised as a right to decolonisation.' For example, self-determination is not applicable to the Kurdish people in Turkey, but it is applicable to Western Sahara due to its former colonial status.

There was then an onus on the UN to set-out the parameters for resolving the Western Saharan conflict as it qualified for self-determination. Hodges (1983, p.105) noted that during this time it had become standard practice for the UN to organise and monitor elections/plebiscites in colonies where there was an element of doubt about the inhabitants desire.

As the conflict in Western Sahara continued, the UN took a more active role in resolving the conflict. During this phase the UN was laying out the normative processes that define the legal and political status of Western Sahara (Roussellier, 2014, p.119). The first act of the UN on Western Sahara came in 1963, when the UN Special Committee on Decolonisation defined the then Spanish Sahara as a non-sovereign territory. The UN was more formally involved after the UNGA passed a resolution in 1965 that called on Spain to resolve the issues of Ifni and Spanish Sahara (UNGA, 1965, A/RES/2072). As Ifni was considered

Moroccan by all the involved parties, the inclusion of Western Sahara was taken as an implication by the Moroccan government that both were viewed as Moroccan territories. After it had been noted that Ifni was Moroccan, there were contested claims to Western Sahara by both Morocco and Mauritania and the wishes of the inhabitants were unknown (Hodges, 1983, p.105). The UNGA passed another resolution one year later relating solely to Western Sahara. The resolution requested that the opinions of the inhabitants of Western Sahara on independence should be sought and should be achieved through a UN organised plebiscite (UNGA, 1966, A/RES/2229).

The UNGA passed henceforth, and until 1973, similar resolutions on a yearly basis, all of them stating that Western Sahara is applicable for self-determination and that a plebiscite should be held. The majority of decolonisation issues were resolved without significant intervention from the UN (Kay, 1967, p.788) and it can be assumed that the UN thought this conflict would be resolved definitively without the need for the UN to become directly involved. The UN also had minimal experience of sending peacekeeping operations to resolve contentious self-determination issues, usually resolving contested claims through agreed plebiscites. The experience that had been gained in West Irian (UNTEA) had proven the inadequacy of the UN peacekeeping operations in resolving such issues when powerful states had vested interests and one side was fundamentally opposed to independence (Saltford, 1969; Savage, 1978; Van der Veur, 1964).

Since 1966 Spain had been assuring the UN that a referendum on the future of Western Sahara would be held, but progress had been moving at a slow pace. Eventually, due to increased international and domestic pressures, in 1974 Spain had initiated a referendum to ascertain the desires of the Saharans. General Franco, who had led Spain for 36 years, was dying and his government wanted to withdraw from their colonies whilst maintaining as much of the colonial structure it had created without, however, being entangled in an independence war. International actors such as Morocco, the USA and the UN, for differing reasons, were applying pressure upon Spain to withdraw from the territory.

As Spain increased their urgency to resolve the conflict, the UN took more proactive steps to solve the conflict. The UNGA had specifically named Algeria as a party to the conflict in 1974 and called on Spain to hold off any referendum until after the International Court of Justice (ICJ) rendered its decision (UNGA, 1974, 3292 (XXIX)). Spain tried to resolve the issue with Morocco bilaterally and denied the UN the entry to Western Sahara until 1975. In

May 1975, the UNSG was finally able to send a delegation from the UN Fourth Committee to assess the wishes of the Saharans. The UN Fourth Committee is also known as the Special Political and Decolonisation Committee and was set-up to assist the UN in political and peacekeeping issues. The UN Fourth Committee delivered a report that stated that the majority of Saharans are likely to favour independence and that a referendum should be held under UN auspices (UN Fourth Committee, 1980, p.25).

The UN Fourth Committee's report was overshadowed by the verdict of the ICJ, a judicial organ of the UN, which was released the following day. Morocco and Mauritania had asked the ICJ, via the UNGA, to deliver an opinion on their claims of sovereignty over Western Sahara in 1974. The two questions that the ICJ were asked were; Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)? What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity? (ICJ, 1975)

The ICJ was unanimous in its advisory opinion on the first question and stated that Western Sahara was not a territory belonging to no-one, as nomads who were organised into tribes had lived there prior to colonisation, and Spanish colonisation was formalised through agreements with the chiefs of those tribes (ICJ, 1975, p. 2). The second question resulted in a majority verdict that although there were legal ties between Morocco and Western Sahara, as well as between Mauritania and Western Sahara, these legal ties do not constitute 'any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity' (ICJ, 1975, p.3). Roussellier (2014, p.123) considers that the ICJ advisory opinion was a critical juncture for the UN as the ruling 'essentially redefined the framework for a future resolution by transforming it from a decolonisation question to a political dispute with a number of interested parties'. Therefore the previous reticence of the UN to get involved in anti-colonial conflicts was no longer an issue.

After the ICJ issued its legal opinion, Morocco acted quickly and interpreted the ICJ legal opinion as validation for its claims to the territory. King Hassan stated his intention to organise a march of civilians armed only with Qurans, and backed by the Moroccan army, into Western Sahara (Hassan II, 1978, p.156-157). King Hassan portrayed the so called Green March as non-violent following the aim to reclaim Morocco's 'lost provinces'. The march had mainly a symbolic effect and was initiated for the Moroccan public and international press (Mundy, 2006, p.289).

In October 1975, the Green March mobilised approximately 350,000 civilians from all over Morocco. They marched, alongside 61,000 soldiers from the Moroccan army and from Southern Morocco to Western Sahara, and entered approximately 10 kilometres into its territory. There was a fear that Spain could possibly react militarily against the transgression into Western Sahara. Mundy (2006, p.301) states that the aim of the USA was to help Spain withdraw from Western Sahara with minimal loss of face, and to facilitate the international legitimisation of the Moroccan takeover through the UN. This was due to the Cold War dynamics of the international system as Morocco aligned with the USA and furthered the USA's interests for Zaire in Africa and Israel in the Arab world (Mundy, 2006, p.277).

The UNSC issued a resolution that requested the Moroccan government to call off the Green March (UNSC, 1975, S/RES/377). The UNSG Waldheim visited all the parties with a stake in the conflict (Morocco, Mauritania, Spain and Algeria) and tried to garner support for direct talks within a UN framework. The UN also offered to administer the territory temporarily in order to organise a referendum in a similar way they did in West Irian (UNTEA). Morocco rejected this proposal due to its uncertain outcome (Roussellier, 2014, p. 124). As was often the case during this time of UN peacekeeping operations the UN was acting mainly in the interests of Western and former colonial powers. Both the USA and France desired for the UN to promote a resolution that would allow Spain to leave Western Sahara with dignity, and Morocco to incorporate the Western Sahara into its state.

Following the Green March, the UNSC issued a resolution which deplored the Green March taking place despite requests to halt it and called on the Moroccan government 'immediately to withdraw from the territory of the Western Sahara all participants in the march' (UNSC, S/RES/380, 1975). Spain accused the UN of watering down the language from 'condemn' to 'deplore', and a former USA State department official stated this was the result of pressure by France and the USA (Damis, 1983, p. 63).

Algeria had attempted to apply pressure upon Spain not to cede the territory to Morocco and Mauritania, by threatening to cut off hydrocarbon gas to Spain, but Morocco's allies Saudi Arabia and Kuwait pledged to resolve the potential shortfall (White, 1976, p.356). Algerian President Boumedienne told King Hassan and the Mauritanian President, Ould Daddah, that Algeria would assist the Polisario and undermine their regimes, and in Mauritania it ultimately followed through on its threat (Hodges, 1983, p.223).

Spain had meanwhile realised that the UN was not going to enforce Chapter VII, which would allow the UN to enforce the peace through military action if required. Spain therefore entered into negotiations with Morocco and Mauritania regarding the administration of the Western Sahara. The three states signed in November 1975 with the so called 'Madrid Accords' a one-page document that transferred the administration of the Western Sahara from Spain to Morocco and Mauritania.

The signing of the Madrid Accords was contentious. The agreement stipulated that self-determination would be determined by the *djemma*, the council of appointed tribal elders (Madrid Accords, 1975). This agreement is similar to the resolution of the West Irian issue but without the UN presence. It was most likely expected by Spain and Morocco that the *djemma* would provide legitimacy to the transfer. However, on 28th November 1975, 67 (out of 102) members of the *djemaa* signed the 'proclamation of Guelta Zemmour' which pledged support to the Polisario and dissolved itself in protest of the Madrid Agreement. Whilst a debate about the legality of the Madrid Agreement continues to date, Morocco and, until 1979 also Mauritania, replaced Spain as administrators of Western Sahara. In the view of the Polisario, Morocco and Mauritania became the new colonial powers of the Western Sahara.

Following the signing of the Madrid Agreement, the UN Fourth Committee, which monitors decolonisation, forwarded two resolutions to the UNGA (Zunes & Mundy, 2010, p.174). Each with a differing views on the conflict. One resolution recognised Spain as the administrative power and called upon the UN to hold a referendum whilst the other took note of the Madrid Agreement but did not explicitly mention a referendum as a means to self-determination. Both resolutions were adopted, which added to the confusion, although the former was passed with far greater support than the latter (UNGA, UN/RES/3458, 1975). This conflicting approach is representative of the divisive nature of the Western Saharan conflict in the UN and in particular between the UNGA and UNSC. The UNGA has consistently upheld the principle of self-determination for the Saharan people, whilst the UNSC has operated from of position of realpolitik and has prioritised the interests of Morocco and Spain above the international norm of self-determination.

The UNGA continued to issue annual resolutions reiterating its request for the self-determination of Saharans. The UN continued to fulfil the normative role in the conflict as is evident when the UN named the Polisario as the representatives of the Saharan people and called on Morocco to negotiate with the Polisario to resolve the conflict and end its

‘occupation’ of Western Sahara (UNGA, A/RES/35/19, 1980). But following the adoption of the two resolutions put forward by the UN Fourth Committee, the role of the UN diminished and the UNSC remained absent from the conflict for the following ten years. Meanwhile the OAU attempted to resolve the conflict.

The UN’s retreat was for several reasons. As has been discussed above, the UN refrained from peacekeeping following its intervention into Congo (ONUC). From 1966 to 1987 the UN launched only three peacekeeping missions, none of them in Africa (Adebajo & Landsberg, 2000, p.164). Morocco additionally had the support of France, USA and the Soviet Union in the UNSC. For the USA and France the stability of the Hassan regime and Morocco were their primary objectives in the North Africa. Both also maintained economic relations with Algeria, in particular with respect to the exploitation of natural resources, in particular oil and gas agreements. The Soviet Union, had stronger political relations with Algeria, but was less reliant on Algerian gas and oil, and maintained important economic relations with Morocco. The latter was their largest trading partner in Africa (Zoubir, 1987, p.19). In the case of Western Sahara, the interests of the P5 powers were finely balanced between wanting one party to resolve the conflict without becoming themselves directly involved. Neither the USA nor the Soviet Union wished to disrupt relations between Morocco and Algeria. It has even been claimed that the USA and the Soviet Union may have had an agreement whereby they would both minimise the role of the UN in Western Sahara and Angola respectively (Franck, 1976, p.719).

4.3 Moroccan Administration of Western Sahara

As per the Madrid Agreement, Spain withdrew from Western Sahara on the 26th February, 1976. Morocco managed to reconvene 57 of the original 102 *djemma* members, following the ‘proclamation of Guelta Zemmour’. Later that day the reconvened *djemma* attended a meeting and voted to unanimously formalise the end of Spanish colonisation and to support the integration of Western Sahara into Morocco and Mauritania. The following day the Polisario declared the creation of a new state, the Saharan Arab Democratic Republic (SADR).

As the UN withdrew from the conflict, the OAU¹⁶ tried to assert its authority over African affairs. Among the central aims of the organisation was the respect of colonial borders. The OAU attempted to implement a ceasefire between the Polisario and Morocco and created a

¹⁶ since 2002 known as the OAU was renamed African Union (AU)

committee, known as the 'Committee of Wisemen' (OAU, AHGIRES. 93 (XV), 1978). In July 1979, the committee issued its plan to organise a ceasefire between the Polisario and Morocco and to organise a referendum in the Western Sahara with an option between independence and integration with Morocco.

The Polisario army, the SPLA, was smaller and less well-equipped than Morocco but armed with the greater knowledge of the terrain. It also had considerable support from neighbouring Algeria. The Polisario initially focussed its military efforts on the much weaker Mauritanian army (Hughes, 2001, p.251). The SPLA, in 1976 and 1977, managed to penetrate Mauritania's borders and move 1,500 kilometres inland to shell the capital, Nouakchott. The Polisario also targeted the economic infrastructure of Mauritania, among it the economically important iron mines in Zerouate. France was worried for the survival of the government it had helped to install in Mauritania and intervened militarily with its air-force based in Senegal. It attacked the Polisario on Mauritanian territory on numerous occasions between 1977 and 1978, one of the attacks led to the death of the founder and leader of the Polisario, Mustapha Ouled Sayed.

The war in Western Sahara had lasting consequences for Mauritania. The increasing insecurity was used by the military as the rationale to launch a coup, and the President Mokhtar Ould Daddah, was overthrown in 1978 by Colonel Sidi Ahmed Ould Taya. Shortly after, on August 2nd 1979 the Polisario and Mauritania signed a peace agreement in which Mauritania agreed to withdraw from Western Sahara and handover its administration to the Polisario (Algiers Agreement, 1979). The Moroccan army, however, moved into the area of Western Sahara previously occupied by the Mauritanian army and henceforth controlled the majority of towns and settlements in the territory of Western Sahara (Pazzanita and Hodges, 1994, pg.xxxvi-xlvi)

The Polisario now shifted towards a guerrilla style of warfare, using mobile all-weather vehicles armed with machine guns, cannons, rocket launchers and anti-aircraft guns to ambush the more isolated among the Moroccan positions (Bhatia, 2001, p.295). The Polisario applied these tactics successfully during battles at Lakhyalat in 1980 and Guelta Zemmour in 1981. It also launched large ground offensives such as the Houari Boumediene offensive in 1979 where the Polisario fought their way into Tan-Tan of southern Morocco. According to Zunes and Mundy (2010, p.64-68) Morocco relied on the military support of the USA. The

Carter administration, for example, facilitated one of the largest arms sales to Morocco following the Houari Boumediene offensive.

France has also been a significant ally for Morocco and has identified the Maghreb as an important sphere of its interest. Morocco achieved independence from France on more amicable terms than Algeria, and became France's biggest ally in the Maghreb. France has continually supplied arms to Morocco's military. At the beginning of the Western Saharan conflict, it had already transferred \$1.5-2 billion of arms to Morocco (Damis, 1983, p.116). France has also played a crucial role in safeguarding Morocco's interests in the UN and more so since the creation of MINURSO when the USA has occasionally wilted from Morocco's positions (Zunes & Mundy, 2010, p.75-79).

Realising its vulnerability to counter-insurgency warfare, Morocco began 1981 with the building of a sand wall, which it completed in six years on April 1987. The berm cuts across the whole of Western Sahara, is several metres high and made from desert rubble reinforced by rocks. In front of the berm is barbed wire entanglement and minefields and along the top of the wall there are electronic sensors and radar systems. Monitoring posts are spread along the berm and it is estimated that 120,000-200,000 troops are dispersed along the wall, and backed up with a specially trained rapid intervention force with armour and artillery (Seddon, 1987, p.105-108; Hughes, 2001, pg.258; Bhatia, 2001, p.295).

The berm was decisive in changing the momentum and nature of the war, as it reduced the ability of the Polisario to mount insurgent attacks, and allowed the Moroccan army to fight a defensive war with its superior weaponry. However, the Polisario was still able to mount undetected surprise attacks and briefly overrun Moroccan soldiers at isolated positions on the berm. The berm made it unlikely for the Polisario to take, let alone hold, any territory within the Moroccan-controlled Western Sahara (Pazzanita & Hodges, 1989, pg. 109-11).

In addition to the difficulties brought on by the berm, the Polisario also lost one of its main arms suppliers when Libya signed a friendship treaty with Morocco in 1984 and agreed to stop arming the Polisario. The leader of Libya, Muammar Gaddafi, signed the agreement on the basis of promoting Arab nationalism, and to not further divide the Maghreb. However, it appears more likely that Morocco and Libya agreed not intervene in each other's conflicts in Western Sahara and Chad respectively (Zunes, 1993, p.67). As a result, the Polisario became even more dependent upon its main patron Algeria.

Whilst the SPLA fought the Moroccan army, the political front of the Polisario had been active in Western Sahara and in the OAU. The Polisario has carved out a state territory within Western Sahara, the Saharan Arab Democratic Republic (SADR), located east of the berm. At the OAU summit of 1980, the SADR was accepted as a member state, Morocco boycotted the summit in protest. As Morocco was becoming increasingly isolated both in Africa and internationally, it accepted to hold a referendum. King Hassan now stated his plans to allow a 'controlled referendum whose modalities should give justice simultaneously to the objectives of . . . the committee of wise men, and to Morocco's conviction regarding the legitimacy of its rights' (cited from Hodges, 1984, p.311).

Like Spain before, Morocco continuously delayed and obstructed the referendum process. It refused to recognise the Polisario and was unwilling to conduct negotiations. Morocco consistently stated that the Western Saharan conflict was a conflict between Morocco and Algeria. This made it difficult for the OAU to enact a ceasefire between Morocco and the Polisario and subsequently to organise a referendum. Between 1980 and 1984 the OAU issued several resolutions regarding the Western Sahara but there was a stand-off in the OAU due to Morocco's refusal to attend any summit which the Polisario attended. Morocco also threatened to withdraw from the OAU if the Sahrawi Arab Democratic Republic (SADR) was formalised as a member of the organisation. Nonetheless in 1984 SADR was admitted as a full member to the OAU and consequently Morocco left the OAU.

After Morocco left the OAU, the UN became the main arbiter and took up the task of resolving the conflict. The UNGA issued a resolution which gave the UN Secretary-General the mandate to attempt to facilitate an agreement between the parties (UN, RES/40/50, 1985). Morocco had hoped that the UN would be more amenable to their interests than the OAU, but one of the UN's first acts was to endorse the previous resolutions of the OAU. The process progressed slowly as Morocco continued to refuse to recognise and negotiate with the Polisario, making a ceasefire agreement impossible. However, both sides had reasons to seek negotiations. The conflict stalled, as the berm had secured Morocco's administration of Western Sahara but the Polisario continued its attacks. As long as the Polisario continued its activities the Saharans refugees in Tindouf would not return to Western Sahara. After almost ten years of administering the vast majority of Western Sahara, Morocco was still trying to gain international legitimacy but was running out of organisations that could confer the legitimacy it craved. Many international organisations sided with the Polisario, especially the OAU and the Non-Aligned Movement.

External supporters of Morocco and the Polisario increasingly wanted the conflict to be resolved. France and the USA continued to support Morocco in its reclamation of Western Sahara, which was interpreted as a breach of international law and norms regarding decolonisation. The conflict also impeded upon the USA's relationship with Algeria, an important energy supplier and international partner (Zunes, 1993, p.66-70). Therefore, a solution to the conflict would also be in the wider interests of both the USA and France.

Morocco was estimated to be spending between \$1-4 million per day in Western Sahara (Pazzanita, 1993, p.210). This was largely subsidised by an annual \$1 billion grant provided by Saudi Arabia. However, Saudi Arabia wished to reduce this burden, partly as a result of the falling price of oil. Therefore Saudi Arabia urged and facilitated direct talks between Morocco and the Polisario in 1986 (Zoubir, 1996, p.194). Algeria was also affected by the falling price of hydrocarbons, and in the late nineteen-eighties political instability in the country was thought to have weakened the diplomatic bond, and financial assistance, between Algeria and the Polisario.

Alongside this, Morocco and Algeria, alongside Tunisia, Libya and Mauritania, had revived the talks for implementing the Arab Maghreb Union (AMU) in 1988. The tensions of the Cold War were receding and it was hoped that the countries could enjoy the benefits of closer economic and political cooperation. Morocco and Algeria felt this marked a shift in the others attitudes to the Western Saharan conflict. Morocco felt that Algeria was now willing to place the unity and benefits of a Maghreb union above their interests in Western Sahara and Algeria thought the same of Morocco. In reality, this was not the case. Both sides thought the other was prepared to give up their interests in Western Sahara in pursuit of the AMU but both Morocco and Algeria were not prepared to do so.

These developments were accompanied by the fundamental changes in the international order and the successive expansion of UN peacekeeping, described in chapter two. The Cold War was thawing and soon to end, and the UN was far more willing to deploy peace operations. Between 1988 to 1993 it launched 21 mission as compared to 3 in the previous 20 years (Weiss et al., 2007, pg.45-49; Mingst & Karns, 2000, p.89-91). Also the UN began to move beyond mitigating conflicts and attempted to resolve the underlying causes of the conflict, in the case of Western Sahara the guarantee of self-determination.

Due to these factors both Morocco and the Polisario were willing to accept UN mediation and numerous discussions between the parties and the UN followed. There were several indirect

talks between the parties facilitated by the UN between the years 1984 to 1987. These talks intensified in 1988 as dialogue on a framework to eventually resolve the conflict between the UN, the OAU, Morocco and the Polisario continued. The OAU held talks with both parties in April and the UNSG discussed the conflict with King Hassan in May. At the behest of Saudi Arabia, secret direct-talks between representatives of both parties were held in July 1988 in Taif, Saudi Arabia. On 30th August 1988 both sides accepted the peace-plan organised by the UN, but each side retained their own reservations (Goulding, 2002, pg. 201). Regardless, the UN began to plan the peace-operation and in April 1991 deployed the UN peacekeeping mission in the Western Sahara, known by its French acronym MINURSO.

The following chapter will assess the performance of the UN building on the criteria outlined in chapter three. The chapter will explain the efforts of the UN in attempting to organise a self-determination referendum and the analysis will start from the agreement of the two parties to a UN peacekeeping operation in 1988 up until the period when both parties presented their resolutions to the conflict in 2007.

5. The Role of the UN in Western Sahara

The Western Saharan conflict is ongoing. MINURSO has thus not resolved the conflict. However, the purpose of this dissertation is to look beyond the face-validity of success or failure. It will assess the role of the UN in attempting to resolve the conflict in Western Sahara as well as minimising the conflict and casualties resulting from it, whilst also analysing the external factors that have contributed to the irresolution of the conflict. Firstly, MINURSO was deployed in September 1991. MINURSO was originally expected to contain 800 to 1000 military observers and technical assistants, but MINURSO has generally consisted of between 200 to 400 personnel. MINURSO was originally planned to conclude within forty-six weeks and had an original budget of \$177 million and has generally been allocated a yearly budget of approximately between \$40 million to \$70 million annually and has consistently stayed within budget (Zumes & Mundy, 2010, p.185). This chapter will apply the framework developed by Bratt (1996, 1997) and discussed in chapter three to the Western Saharan conflict.

To achieve this, this section will be divided into three chapters as the objectives of MINURSO changed and adapted according to the conflict. The intricacies and political context of each time period will be discussed in further detail later in the chapter. But briefly, the first period consists of the years preceding the implementation of MINURSO (1991-ongoing) up until 1997, when James Baker was appointed Personal Envoy of the United Nations. During this period MINURSO sought to implement the original mandate of compiling a voters list and resolving the conflict by means of a self-determination referendum. The next chapter will assess the role of MINURSO when the mission was largely directed by the Personal Envoy James Baker from 1997 to 2005. It was during this time that MINURSO's mandate was broadened. The UN followed a dual-track policy for resolving the conflict. That is, the UN attempted to achieve, if possible, a negotiated political solution to the conflict whilst concurrently attempting to organise a self-determination referendum. The final chapter of this section will review the period following the resignation of Baker in 2005 up until 2007. Following the Baker's resignation, the role of the UN reduced and the onus was on the parties to resolve the conflict; both parties presented their proposals to resolve the conflict in 2007.

All three sections will apply the four criteria discussed in chapter 3 and I will briefly discuss how they will be applied to the conflict. Conflict resolution is the most important function of

a UN peace-operation. Whilst MINURSO has not resolved the conflict, this does not necessarily mean that the effect of the UN has been negligible. To assess this criterion each section will explain the various negotiations and solutions proposed to and by the parties as well as assessing the role of the UN in overcoming obstacles that have been placed by either of the parties as well as the solutions proposed by the MINURSO.

MINURSO's mandate originally had eight objectives; monitoring the ceasefire, reducing the amount of Moroccan troops in the Western Sahara, monitoring the armies of Morocco and the Polisario, ensuring the release of Saharan political prisoners, facilitating the exchange of Prisoners of War (PoWs), repatriating Saharan refugees, identifying and registering voters for a self-determination referendum and, finally, organising a referendum. The mandate objectives also fits within the Bratt criteria for assessing UN peacekeeping missions, and therefore in each section the actions of MINURSO's actions and attempts to achieve its mandate objectives will be outlined and assessed.

Not all mandate objectives are of equal relevance and some of the mandate objectives relate to the criteria of conflict resolution, conflict containment and limiting casualties. The core of the MINURSO mission was to organise a referendum on independence, and some mandate objectives, such as identification and registration of voters, were mainly steps to achieve the final objective. These objectives are also crucial to the assessment of the UN in regards to conflict resolution, as this was to be the process to resolve the conflict and the alternative methods later pursued stem the breakdown of the settlement plan.

The continuation of MINURSO was conditional upon the ceasefire being kept by both Morocco and the Polisario. As the ceasefire has ultimately held, there have been no deaths attributable to the Moroccan army or the SPLA. There is a large overlap between the mandate objective of maintaining the ceasefire and the criteria of conflict containment and limiting casualties. But the parameters set by Bratt in assessing the limitation of casualties is too narrow and fail to acknowledge the work of MINURSO in other aspects of casualty limitations. Therefore this chapter will go beyond solely measuring the casualties of war during the time periods to also include deaths resulting from landmines and the safety and wellbeing of Saharans in the Tindouf refugee camp.

MINURSO's mandate was continually renewed on the implicit understanding that both parties extend their good faith and willingness to allow the UN to follow their mandate in particular monitoring the ceasefire and attempting to secure the release of political prisoners

and PoWs. However, the support of Morocco towards the UN peacekeeping operation was on the condition that MINURSO remains a more traditional peacekeeping operation without the capabilities of later UN peacekeeping operations.

In respect of conflict containment, throughout the conflict there has been an absence of great power rivalry, which has only lessened following the end of the Cold War. The Western Sahara conflict has not threatened to become an international dispute that pits the UN P5 members against each other nor has the conflict threatened to expand into neighbouring countries since the ceasefire. There were occasions earlier in the conflict where the fighting has threatened to spill over into Algeria but this has not been the case since the UN has offered its 'good offices' to the parties in 1986. Rather this criterion will focus upon the flashpoint incidents that threatened to reignite the conflict between Morocco and the Polisario or incidents that threatened to extend the conflict outside of Western Sahara.

5.1 The MINURSO Settlement Plan

The UN intervention in Western Sahara began inauspiciously. The UN offered both the parties its good offices from 1986 with the aim of creating a settlement plan which would form the basis of the resolution of the conflict. The settlement and implementation plans were only agreed and signed by both parties on 30th August 1988, but MINURSO was not deployed until September 1991 and in that time there were subtle changes to the mandate. The settlement plan is the sole Comprehensive Settlement Agreement (CSA) of the Western Saharan conflict, it was a well-considered plan but there were inherent issues with its application, mainly the lack of support by Morocco and the Polisario. The analysis of the settlement plan is in turn analysis of the CSA.

In the 1988 settlement plan the role of the Special Representative of the Secretary-General (Special Representative) is prominent. He was assigned, 'sole and exclusive authority over all matters relating to the referendum' and having the capabilities to 'take any action he deems necessary to guarantee the freedom of movement and security of the population, as well as the impartiality of the referendum' (UNSG, S/21360, 1990, p.6). This translated as the Special Representative having the powers to repeal any law he deemed may impinge upon the freedom of the referendum, in the event of a dispute between the Special Representative and either party it was envisaged that the issue would be referred to the UNSG.

Before MINURSO was deployed, the settlement plan was revised, and the powers of the Special Representative were limited. A UN technical mission was dispatched to the region to

discuss the settlement plan with the belligerent parties, namely Morocco and the Polisario, and the observer parties, namely Algeria and Mauritania. The role of the Special Representative was downgraded at the expense of the UNSG. The role of the UNSG was upgraded with the capacity to issue regulations governing MINURSO. Whilst the Special Representative still supposedly retained the 'sole and exclusive responsibility over all matters with regards to the organization and conduct of the referendum', the Special Representative was now, 'acting under my authority and, as necessary, on instructions from and in consultation with me' (UNSG, S/22464, 1991). The UNSG Javier de Cuellar stated that Morocco had issues with the role and powers of the Special Representative in Western Sahara (de Cuellar, 1997, p.342). Morocco and the USA had urged the UNSG instead to take a more prominent role in the attempts to resolve the conflict.

The main issue of the centralisation of power was that the UNSG Javier de Cuellar (1982-1991) was perceived as being pro-Moroccan. De Cuellar (1997, p.352) stated in his biography that he was indeed 'never convinced that independence promised the best future for the inhabitants of the Western Sahara' as he did not consider Western Sahara as economically viable to become a state, and additionally doubted the leadership qualities of the Polisario and had discussed autonomy as solution to the conflict with the King of Morocco (de Cuellar, 1997, p.337 & 341). Javier de Cuellar (UNSG 1982-1991) thought that the conflict could be resolved politically between Morocco and Algeria, as opposed to the settlement plan which sought out the resolution of the conflict between Morocco and the Polisario through a self-determination referendum. This is apparent in the efforts of the UNSG in resolving the conflict as he met Morocco and Algeria, 132 and 128 times respectively but the Polisario on just 33 occasions (de Cuellar, 1997, p.341).

It took over three years to move from the signing of settlement plan in 1988 to the deployment of MINURSO. As well as centralising power, the UNSG initially took the unusual step of organising the peacekeeping operation from his executive office as opposed to a specially created task-force. Issa Diallo, special adviser to the UNSG, led the executive office and was responsible for negotiating with the two parties. As a result of the centralisation of power, the reservations of both sides were not mentioned to the UNSC (Jensen, 2012, p.29). The UN Security Council, and even the belligerent parties, were led to believe that both sides had given full consent to the settlement plan and the UNSG did nothing to change the misconception (Zunes & Mundy, 2010, p. 185). The UNSG believed

that even though there were substantial differences between the parties over aspects of the settlement plan, the fact that Morocco and the Polisario had both stated their wish to hold a referendum meant that it was worth taking a chance (de Cuellar, 1997, p.343).

Eventually a Western Sahara task force was created in January 1991 and assigned to the Under-Secretary General for Special Political Affairs¹⁷. However, as the UN and the member states of the UNSC were preoccupied with the Gulf War and preparing contingencies in the ongoing conflicts of Angola, El Salvador, and Cambodia, the Western Sahara task force did not begin organising the UN peacekeeping operation until April 1991 (Durch, 1993, pg. 159). Despite the creation of the task-force, the issues of the centralisation of power of MINURSO to the UNSG and his inner circle remained. The members of the task force were not privy to the objections of Morocco and the Polisario to the settlement plan as the UNSG and his adviser, Issa Diallo, concealed the information from the task-force as well as the UNSC (Goulding, 2002, p.203-204). Goulding (2002, p.200-201) stated that there were significant issues with this approach and that it broke with diplomatic protocol regarding peace-making as neither party seemed aware of the implications of their agreements and neither had the opportunity to sell the proposals to their populations. The issues of the CSA of the Western Sahara conflict, the settlement plan, were that before the deployment of MINURSO there were signs that the process would be marked by a lack of agreement between Morocco and the Polisario that was concealed to key members of MINURSO and was led by the UNSG with a pro-Moroccan bias.

Monitoring the ceasefire

A key mandate objective is the monitoring of the ceasefire. The assessment of this objective encompasses aspects of conflict containment and limiting casualties as well as being an objective of the mandate performance of MINURSO. The monitoring of the ceasefire was predicated on traditional peacekeeping values and the ceasefire retained the consent of both Morocco and the Polisario throughout the deployment of MINURSO.

An unofficial ceasefire had prevailed between Morocco and the Polisario since late 1989 and on 24th May 1991 the UNSG informed both parties of his wish for an official ceasefire to come into effect on the 6th September 1991, which both parties agreed to. In late August to early September 1991, Morocco ended the unofficial ceasefire and launched an offensive against the Polisario in the Polisario-controlled Western Sahara (SADR). The offensive

¹⁷ now the Department of Peacekeeping Operations

targeted the main towns of Tifariti and destroyed the temporary capital of the SADR, Bir Lahlou. Western Sahara scholars Pazzanita and Zoubir (1995, p.618) claim the Moroccan army destroyed buildings and facilities earmarked for use by the UN, which the UNSG made no mention of in its reports.

Whilst the UNSG claimed at the time the reports of the attacks were exaggerated (Camacho, 1991) he later admitted he was aware that the Polisario had 'misguidedly' been building in Western Sahara (de Cuellar, 1997, p.349). The UNSG reports made no notes of these actions by Morocco but the Polisario chose to show restraint, likely in the belief that their longer term aims were better served under the UN settlement plan than reigniting the war with Morocco.

Despite the offensive by Morocco, the ceasefire went into effect on the 6th September and MINURSO was deployed in the territory to observe the ceasefire. The deployment of MINURSO was meant to signal D-Day and the beginning of the transitional phase at which point MINURSO would have the voters list complete, aside from individual appeals (UNSG, S/22464, 1991). However, despite the lack of an eligible voters list the UNSG stated, 'I decided that the cease-fire should come into effect on 6 September as agreed, on the understanding that the transition period would begin as soon as the tasks referred to above had been completed' (UNSG, S/23299, 1991, p.2). There was disagreement within the UN over the decision to enforce the ceasefire on 6th September 1991 and in particular the decision to remove the ceasefire from D-Day. Jensen (2012, p. 31-33) stated his belief that before the cease-fire both sides were mutually frustrated by the deadlock in the military stalemate and it is believed that in such a state both parties were more willing to negotiate as neither side was comfortable with the status quo, however the ceasefire has created a status-quo that is bearable to both Morocco and the Polisario.

The ceasefire stipulated that both Moroccan and Polisario troops, weapons and equipment would be confined simultaneously to locations to be decided by the Special Representative and that an observer group will be responsible for supervising the ceasefire (UNSG, S/21360, 1991). This did not take place at the onset of the ceasefire and the withdrawal of the troops to designated positions has yet to take place to this day.

The ceasefire was monitored by observers from ten team sites in the Territory. There were six team sites in the Polisario-controlled Western Sahara (Tifariti, Bir Lahlou, Meharrize, Mijek, Agunit and Zug) and four team sites in Moroccan-controlled Western Sahara (Mahbes,

Smara, Oum Dreyga and Awsard). The Polisario representatives stated that it was unfair that the majority of sites were in the Polisario-controlled Western Sahara, despite it being smaller both territorially and militarily (Bhatia, 2001, p.296). The Polisario also had an issue over the deployment of French officers in the team sites of Meharrize, Tifariti and Bir Lahlou, this stems from the close political and military ties between the governments of Morocco and France (Bhatia, 2001, p.296).

MINURSO originally deployed just 100 military observers, which was later reinforced to 200 military observers (UNSG, 1991, S/23299). 200 was the highest amount of observers that Morocco was willing to allow during the initial part of the mission (Durch 1993, p. 428). It was also alleged that Morocco was unwilling for MINURSO to deploy more than 375 military observers, at any time, until 'population-related issues' could be resolved (Pazzanita & Zoubir, 1995, p.618). As has been discussed, the size of a UN peace operation can affect the scope of the mission and the ability to foster cooperation between the parties (Ruggeri, Gizelis & Dorussen, 2013, p.388). The small deployment, relative to the size of the territory, meant that MINURSO was continually unable to verify reports of disturbances and demonstrations in large part due to the lack of military observers and the purpose of the military observers was to just confirm and supervise the ceasefire.

The minimising of military observers during the initial deployment of MINURSO could be due to the tactics of Morocco to reinforce their defensive positions whilst the ceasefire was held. The ceasefire held and there was no resumption of fighting, nor were there any casualties resulting from fighting between the two sides. From MINURSO's deployment on September 1991 up until January 1996¹⁸, there were 258 ceasefire violations noted by the UNSG in his reports. Of the 258 violations, 232 were committed by the Moroccan army; the vast majority were low-level infractions. Although this is a large amount of violations, 186 of these violations were committed in the first 12 months of MINURSO's deployment and after that period violations decreased markedly. It would appear as if the original deployment of only 200 military observers negatively impacted upon the ability of MINURSO to reduce and restrict ceasefire violations.

MINURSO eventually deployed 375 military observers to report and observe the ceasefire. MINURSO had been proactive in its monitoring of the ceasefire and averages 600 ground patrols and 140 aerial patrols each month (UNSG, 1995, S/1995/240). The vast majority of

¹⁸ The UN stopped noting the amount of ceasefire violations from this point as the situation had stabilised.

the ceasefire violations were low level infractions, such as troop movements, building bunkers, construction of sand walls and over-flights although on one occasion the Moroccan military was guilty of laying minefields in the territory. However, the UNSC never criticised the conduct of either party in relation to the ceasefire violations despite the vast amount of violations in the first twelve months.

In August, it was reported that Morocco was planning on holding municipal and legislative elections, as well as a plebiscite on constitutional reform in the country, and therefore encompassing Western Sahara and its inhabitants. The Special Representative attempted to persuade Morocco to not hold the elections until the MINURSO mission was complete. Morocco responded that it was not likely to postpone the elections as they had been deferred on several occasions but it stated to the UNSG that the, 'elections were quite independent of and separate from the holding of a referendum under the United Nations', and that Morocco, 'solemnly reaffirmed its commitment to abide by the results of the United Nations referendum' (UNSG, 1992, S/24464, p.4).

Morocco claimed that the elections and plebiscite across the nation cannot in any way be linked to the UN referendum due to the, 'radically different nature and objectives of the two consultations' (UNSG, 1993, S/25170, p.6). Pazzanita and Zoubir (1993, p. 621) allege that there was a divergence of opinion between the UNSG, de Cuellar, who was close to stating his disapproval in the August 1992 report, and Special Representative (Yaqub Khan) who was more relaxed about the situation. Sahabzada Yaqub Khan was viewed as overly close to Morocco due to his previous role as the Foreign Minister of Pakistan (1982-1987 & 1988-1991) and his role in Pakistan's own separatist issues. There appears to have been continual discord between the various Special Representatives and the UNSG Javier de Cuellar and from this discord Morocco seems to have benefitted as it has not faced sanction or criticism from the UN from either the UNSG reports or the UNSC despite their non-cooperative behaviour during the initial stages of the ceasefire.

There were two public votes. The first was a plebiscite on constitutional reforms in September 1992, which was passed with 99.96% of the vote and a 97.29% voter turnout (Nohlen, Krennerich & Thibaut, 1999, p.633). The constitutional reforms introduced a new administrative subdivision of 'region'. In a public address King Hassan II announced the Western Sahara would become the first such region and therefore enjoy priority in terms of economic development.

The following month municipal elections were held and the Polisario alleged that demonstrations of Saharans were reacted upon by violence and arbitrary arrests. Morocco confirmed these demonstrations but denied there had been any violence or arbitrary arrests and MINURSO reported that their investigations did not corroborate the allegations made by the Polisario (UNSG, 1993, S/25170, p.7). The UNSG reports also mentioned that youths entered the MINURSO headquarters in Smara but later left on their volition, whilst the Polisario claimed they had sought refuge and were later sentenced to 20 years in prison by a Moroccan military tribunal (UNGA, 1995, A/C.4/50/SR.3). Whilst MINURSO did not have an explicit human rights mandate the UNSG stated in his reports that, 'MINURSO, as a United Nations mission, could not be a silent witness to conduct that might infringe the human rights of the civilian population' (UNSG, 1993, S/25170, p.7).

However, numerous reports suggest that MINURSO did just that. The claims of the Polisario were supported by NGO's such as Terres des Hommes and World Organisation against Torture, which estimated that between 300 to 600 individuals, had been arrested as result (UN, 1993, E/CN.4/1993/SR.35; UN, 1993, E/CN.4/1993/SR.10). Amnesty International noted that numerous demonstrations took place and that scores of people were wounded by police fire in the cities/towns of Western Sahara and that numerous Saharans had been held incommunicado and denied their right to a fair trial (Amnesty International, 1993, p.212). As there is a wide discrepancy between the accounts of the UN and various NGOs, it does cast an aspersion on the capabilities and/or impartiality of MINURSO and the fact that UNSG reports did not mention the detainment of Saharans when he must surely have been aware of the incidents does amount to a failing by MINURSO¹⁹.

Whilst it cannot be said with certainty that Morocco interfered with MINURSO, Morocco has certainly been non-cooperative, as defined by Bratt (1997, p.48), as Morocco has hindered MINURSO in attempting to observe the ceasefire. There were often allegations that Morocco restricted the movements of MINURSO and contemporary reports stated that the MINURSO offices in Laayoune had discovered wiretapping systems on their telecommunications (Hedges, New York Times, 1995). Morocco also used tactics intended to slowdown the progress of MINURSO. Morocco held UN equipment for several months delaying the progress of MINURSO. Morocco did not allow deployment of UN logistics, communications or medical units for several months and made all UN equipment pass through the Moroccan

¹⁹ It has been claimed that MINURSO staff were confined to their hotels and prevented from interacting with the population, however this claim has not been corroborated (UN, 1993, E/CN.4/1993/SR.10).

port of Agadir, despite there being three ports in Western Sahara (Cape Bojador, Dakhla and Laayoune) (Durch, 1993, p.168; Human Rights Watch, 1995).

There were further allegations that occasionally Morocco would obstruct the freedom of movement of the military observers. Morocco was continuously accused, by NGO's and newspapers, of monitoring MINURSO and obstructing the MINURSO mission from spreading out over Western Sahara and hindered the efforts of the Special Representative to set-up offices in the administrative capital of Western Sahara, Laayoune (Hedges, New York Times, 1995; UN, 1992, E/CN.4/1992/SR.7, p.10). Whilst there was no mention of the allegations by the UN, the amount of groups, mainly reporters and NGO's, making the accusations does add credibility to the reports.

The UNSG criticised Morocco for restricting the access of journalists and news crews to Western Sahara after Morocco refused to allow UN aeroplanes to land when they were carrying non-MINURSO staff (UNSG, 1998, S/1998/534, p.6). Morocco has refused to allow journalists and independent observers investigate Western Sahara and MINURSO, as a result there is a lack of information regarding Western Sahara. However, the few organisations and reporters that have published on MINURSO have portrayed the mission as being flawed.

A US Senate report was critical of Morocco and the UN, the report was based on a visit by George A. Pickart and the testimony of the American MINURSO military observers. The criticism of the UN is focussed upon the bureaucratic offices in New York, as opposed to the MINURSO mission. The report states that the UN has been financially mismanaged, due to the spending of \$58 million in 4 months, including \$17,000 for entertainment, despite the American observers stating they remained in tents and that the food rations were provided by the USA and the United Kingdom and that despite this, soldiers did not have sufficient food, fuel, shelter, or supplies for the mission. The report also criticised the UN for not reacting more forcefully to the numerous ceasefires violations, predominantly Morocco at the time of the report, which had fostered an atmosphere of distrust and undermined the credibility of MINURSO (US Senate, 1992). Whilst it is undeniable, that with the amount spent on the MINURSO mission, the military observers should have been accommodated in better facilities than tents and provided with adequate food. The criticism of the UN for a lack reaction to the violations of the ceasefire committed by Morocco is misplaced. As the MINURSO mission lacks an enforcement mechanism and the UNSG reports noted the

violations it was the choice of the UNSC, of which the USA is a vital member, to mention and possibly sanction the offending parties.

Whilst the implementation of the ceasefire had several flaws, namely the inauspicious implementation, the original deployment being too small and the vast amount of Moroccan violations, it has broadly been successful in limiting casualties and containing the conflict. Whilst the UN in the Post-Cold War era had began to intervene more forcefully in international affairs, the low level nature of the violations by Morocco and the lack of support in the UNSC made this unlikely. In regards to conflict containment the ceasefire has led to a cessation of violence between Morocco and the Polisario and whilst the conflict has generally been localised to the territory of Western Sahara. The only casualties are the result of mines previously laid down by Morocco and the Polisario.

Identifying and registering voters

In order to reach the ultimate objective of organising a referendum MINURSO needed to first identify and register voters. The identification process for Saharans eligible to vote in the referendum was vital to the resolution of the conflict and consequently became the single biggest obstacle for MINURSO. At first it was portrayed that identifying voters was going to be a technical issue to be solved by population experts that specialise in nomadic populations but Jensen²⁰, then head of the Identification Commission, later came to term voter identification as the ‘political hardcore’ of the mission (Jensen, 2012, p.48). As the Polisario and Morocco knew that the composition of the electorate would be crucial to winning the referendum, both sides attempted to ensure that the subsequent voters list was weighted in their favour. Whilst this is an aspect of the mandate performance of the UN it was also the main process to resolve the conflict and therefore forms a key part of assessing the role of the UN in regards to conflict resolution.

The basis of the voters list was to be the 1974 census conducted by Spain before it withdrew from the territory. The Spanish census was comprised of 73,497 people (UNSG, 1991, S/23299, p.7). In the 1974 Spanish census, there were 10 tribes which were listed alphabetically (i.e. Tribe A – Tribe J) and each tribe encompassed several smaller subfractions. The three most contentious tribes (H, I and J) had subfractions which resided outside the territory. The most contentious was tribe H which included the Northern tribes of Western Sahara, miscellany of individuals having tribal links with the Western Saharan

²⁰ Jensen later became the Special Representative of the UNSG for MINURSO.

border with Southern Morocco (including the former Spanish enclave of Sidi Ifni) and persons from the Rif region of Morocco (mountainous regions of northern Morocco) which was also colonised by Spain. Tribe I consisted of Chorfa tribes, which are tribes that are said to descend from Prophet Muhammad. Tribe J is tribes of the Southern and Coastal regions of Western Sahara and areas associated with Mauritania.

In the settlement plan, the UN envisaged that it would merely remove those who have since died, add the Saharans born after the census and add the Saharan individuals who believe they were omitted from the original (UNSG, S/22464, 1991). From the beginning the UN recognised the difficulties as they had little experience in organising a referendum. Western Sahara is a large but sparsely populated desert and the underdeveloped nature increased the difficulties. To assist the UN, and in particular the Identification Commission, Spain forwarded archival material which included '48 volumes of birth certificates, 19 volumes of marriage certificates, 11 volumes of divorce certificates and 11 volumes of death certificates' (UNSG, S/1995/240, p.2). The UNSG states the documents were of considerable value as it helped the Identification Commission in doubtful cases.

The Polisario was wary of MINURSO, in particular the identification of eligible Saharans to vote. This may have been due to being the weaker party in the conflict but the actions of some UN officials did contribute to the fears of the Polisario. In November 1991, the Polisario alleged that a UN official had provided Morocco with demographic information of Western Sahara, information that was confidentially supplied to the UN by the Polisario. The UN denied the allegation, although an individual accused of supplying Morocco with demographic information was shortly dismissed by the UN. This added to the Polisario's perception that forces within the UN were attempting to engineer identification process in Morocco's favour (Pazzanita & Zoubir, 1995, p.619).

Contemporary articles also had doubts about the impartiality of the UN and therefore MINURSO. Ziai (1996) criticised that MINURSO allowed the conflicting parties to put register voters to be identified. This was considered to be to the benefit of Morocco, allowing them to exclude Saharans living in the Moroccan-administered Western Sahara from being registered. However, the UN argued this method was more efficient and cost-effective. There was also a strong presence of Moroccan security officials in Western Sahara and MINURSO headquarters which made it difficult to compile and collect independent reports and added to the suspicions that MINURSO was not being fully transparent (Ziai, 1996). The UNSG was

critical of the media reports that were overtly anti-MINURSO emanating from the Moroccan press and requested the Moroccan government to stop the negative media propaganda (UNSG, S/1998/634, p.5).

In 1991 Morocco sent a letter the UNSG to consider the expansion of the potential voters (Pazzanita & Hodges, 1994 p.346). Javier de Cuellar in his final UNSG report developed a five-point criteria catalogue that specified individuals eligible to be identified as votes. The criteria, which was later condensed into numbered points were,

- ‘1. Persons whose names are included in the revised 1974 census list (para. 23);
2. Persons who were living in the Territory as members of a Saharan tribe at the time of the 1974 census but who could not be counted (para. 25);
3. Members of the immediate family of the first two groups (father, mother and children) (paras. 23 and 26);
4. Persons born of a Saharan father born in the Territory (para. 29);
5. Persons who are members of a Saharan tribe belonging to the Territory and who have resided in the Territory for six consecutive years or intermittently for 12 years prior to 1 December 1974 (para. 30 and 31)’ (UN, S/25170, 1993, pg. 10-11)

The above specifications left room for interpretations which in turn led to disagreements. The divergence by the parties was due to several factors. Morocco argued that the 1974 census should serve as a starting point for voter’s registration, whilst the Polisario insisted that the 1974 census should constitute the vast majority of identified voters. Morocco, on the contrary, regarded the five-point criteria as too restrictive but accepted them, whilst the Polisario felt that the criteria deviated too much from the 1974 census and therefore rejected these criteria.

The main issue was centred on the subfractions. The Polisario believed that only those belonging to a subfraction that had the majority of their members in Western Sahara and were counted in the 1974 census should be eligible. Morocco on the contrary, argued that this was arbitrary and inconsistent with Saharan history, all individuals that are members of subfractions counted in the census should be considered as eligible to vote in the referendum (UN, S/25170, 1993, p.10-13). Regardless, the expansion of the potential voters list beyond the Spanish census benefitted the interests of Morocco who wished to expand the potential electorate.

France supported the Moroccan arguments in support of the expansion of the possible electorate, whilst the USA put pressure on France to allow the new incoming UNSG to reconsider the issue. Due to the different positions of the states, the UNSC merely 'welcomed' the proposals and urged further efforts to resolve the dispute (Pazzanita & Zoubir, 1995, p.620; Bolton, 1998). However, whilst the UNSC did not formally endorse the voting criteria, they became accepted as the basis for identifying voters.

By 1992 the new UNSG, Boutros-Ghali (1992-1996), informed the parties that the UN was considering other ways to resolve the conflict as the identification of a free and fair voters list seemed a distant prospect, not considering the potential difficulties in having to organise, hold and enforce a referendum. Therefore the UNSG asked the UNSC to consider alternative courses of action as early as one year into MINURSO's mandate (UNSG, 1992, S/23662). Boutros-Ghali had previously developed close ties with Morocco as the former foreign minister of Egypt and lobbied the OAU against the recognition of the SADR (Adebajo, 2011, p.47).

The impasse this issue created led the UNSG Boutros-Ghali to offer the UNSC three options: 1) Continue talks with parties in the effort of overcoming the differences (the UNSG believed the chances of success were 'slim') 2) Immediate implementation of the settlement plan, without the consent of the parties if necessary. 3) An alternative approach not based on the settlement plan (UNSG, S/25170, 1993). The second option is indirectly pointed at the Polisario and was the option favoured by France and the UNSG (Zoubir, 1996, p.206) but the USA preferred to continue talks and France was not against the preservation of the status quo therefore the UNSC passed a resolution endorsing option 1 (UNSC, RES/809, 1993). Boutros-Ghali is often perceived as the most pro-Moroccan UNSG (Zoubir, 2007, p.163) as he attempted to get the UNSC to impose agreements on the Polisario as well as not censuring Morocco for their continued delay tactics of the identification process, and in turn, the referendum.

The parties also disagreed over the evidence that could be used to support an individual's case. The Polisario emphasised the importance of written evidence, emanating from Spanish colonial officials in the territory. Morocco, whilst not disregarding the importance of written evidence, stated that oral testimony should carry equal weighting due to the nomadic and traditional structure of Saharan society (UNSG, 1993, S/25170, pg. 5-6). By April 1993 both parties had verbally accepted the five-point identification criteria for registering applicants

but both sides retained their previous reservations and indicated that if they were not addressed then they would still maintain their opposition (UNSG, S/25818, 1993).

Morocco employed delay tactics after the identification of potential voters began. On several occasions Morocco delayed and stalled the negotiations efforts organised to overcome the issues impeding the registration of voters, by comprising the Moroccan delegation with former Polisario members. This occurred on three occasions in a twelve month period (UNSG, 1993, S/25170; UNSG, 1993, S/26797). The UNSG, rather than censure Morocco for breaching the spirit of the agreements and unnecessarily provoking the Polisario, chose to blame the Polisario with the UNSG stating that he found it, 'even more regrettable that the parties failed to prove equal to the test' (UNSG, 1993, S/25170, pg. 8).

The UNSG Boutros-Ghali offered a compromise, which respected the 1974 census as the basis for the voters list, but also respected the oral tradition of Saharan society. This approach built upon the five criteria for eligibility put forward by the previous UNSG, Javier de Cuellar, but allowed sheikhs, one each from Morocco and the Polisario, to testify that an individual is Saharan in the absence of documentation. In the event of conflicting testimony from the sheikhs the MINURSO Identification Commission was to decide on eligibility of the individual (UNSG, S/26185, 1993). This proposal was intended to assuage the fears of Morocco that oral testimony would be respected and minimise the opposition of the Polisario to non-documented individuals.

However, the UN was still not confident of resolving the conflict and the UNSG, once again, offered the UNSC another three options: 1) MINURSO to continue with the support of either party and the UNSG ensures a free and fair referendum is held. 2) MINURSO continues to ask both parties to cooperate and continue talks between them. 3) MINURSO is drawn down to a military component capable of observing the ceasefire (UNSG, S/1994/283, 1994). The UNSG seemed to imply his preference was for either option 1 or 3. The UNSC issued a resolution that chose option 2 and thus talks continued (UNSC, RES/907, 1994).

This is reflective of the UNSC throughout the whole period of the UN involvement in the conflict. Despite the UNSG urging the UNSC to take a more proactive role in MINURSO through either of the other two options, the UNSC was content to maintain the status quo. It should be noted that the options which suggest MINURSO continue with the settlement plan without the support of either party, implicitly requires the UNSC to authorise MINURSO chapter VII powers and would therefore require a strong commitment from the UNSC

members politically, militarily and financially. Whilst there has been a consensus among the UNSC to continue the talks this was a decidedly low-level consensus.

In April 1994, much to the surprise of Morocco and the UN which had taken a pessimistic tone in the UNSG report released a month previous, the Polisario finally accepted the identification of the applicants as agreed in the UNSG report of December 1991 as well as the additional provisions put forward by the UNSG Boutros-Ghali. This was due to the Special Representative providing assurances to the Polisario of the impartiality of the Identification Commission, reassuring the Polisario that the Spanish census would remain the basis of the voters list and reminding them that there was an appeals process (Jensen, 2012, p.58)

Just as MINURSO seemed to be making progress on the voters list, another issue arose. When the identification of voters seemed likely to begin, Morocco applied delay tactics. The Moroccan government held up the process for several months as they refused to permit the OAU observers to verify the task, despite the role of the OAU being agreed to by both of the parties in the settlement plan. The issue was resolved by the Special Representative who proposed that the OAU observers be renamed as advisers of the Tunisian President who was the then head of the OAU (Seddon, 1996, p.103).

In August 1994, after 3 years of MINURSO deployment, the registration for identification of to take part in the referendum began. October 1994 was set as the deadline for applicants to register. In late October, the Polisario had submitted 42,468 applications; Mauritania had produced 14,486 applications and Morocco, after a last minute deluge of 130,000 applications, sent in a total of 176,533 applications leading to a total of 233,487 individuals (Jensen, 2012, p.61). Of the Moroccan applicants, nearly 60,000 were of the contentious tribes H, I and J (Zunes and Mundy, 2010, p.200).

The Polisario was frustrated with Morocco's sudden addition of an extra 130,000 individuals to identify, but the UNSG visited the region and again assured the Polisario of the Identity Commissions 'impartiality, fairness and integrity' in carrying out its tasks (UNSG, S/1994/1420, p.2). The UNSC did not react to the Moroccan act, which broke the spirit of the settlement plan, and did not acknowledge the act until one year after the event when the UNSC expressed its regret that Morocco had not vetted the 100,000 individuals. To serve as a further case in point on the UNSC's conflicting positions, it also expressed regret that the Polisario refused to participate in the identification of these 100,000 individuals (UNSC, 1995, S/RES/1017).

In 1995, the UNSC delegated a mission to visit the territory. The Special Representative told the delegation that the Polisario ‘believed that the settlement plan was weighted against it and was concerned about certain developments in the identification process’ (UN, S/1995/498, 1995, p.3). This was due to the actions of Morocco that were going unpunished by the UN and the UNSC. The Polisario reiterated that it, ‘felt very concerned about the manner in which the identification operation was being conducted and about MINURSO’s ability to ensure fairness in the process’ (UN, S/1995/779, 1995, p.6). The Polisario was also concerned that the system of sheikhs verifying applicants was not working as envisaged as there were disagreements among the sheikhs regarding 60% of the applicants according to the Polisario.

The Special Representative Erik Jensen (1995-1998) was keen to emphasise to the UNSC delegation that in the event an applicant is not confirmed by the Spanish census, and did not provide any documentation confirming their identity or substantiate their claim for admission under one of the remaining criteria, and if the two sheikhs disagreed in their oral testimony of the applicant then the burden of proof would rest with the individual in offering convincing evidence to the Identification Commission. The UNSC delegation met with Morocco and the Moroccan government was keen to stress the financial contributions it has made to MINURSO and the importance of identifying the 100,000 applicants not in Western Sahara, with Morocco willing to open as many as 40 centres in Morocco to facilitate the registrations (Jensen, 2012, p.68).

The New York Times claimed that Morocco was uncooperative with MINURSO. The newspaper alleged that as well as tapping the UN phones, Morocco had intimidated and even confiscated the voter registration of the residents of Laayoune, the capital of the Moroccan-administered Western Sahara (Hedges, New York, 1995). Human Rights Watch (HRW) also issued a special report on MINURSO and stated that, ‘MINURSO staff members assert that Morocco, which is the stronger of the two parties both militarily and diplomatically, has pressured the United Nations into making concessions in its favour and deliberately obstructed the process’ (HRW, 1995).

Whilst the Polisario believed that Morocco had bribed members of the Identity Commission, especially those who had final say over the applicants. The allegations were supported by Frank Ruddy²¹ and Douglas Dryden²² who claimed that Morocco controlled the voter

²¹ Former deputy head of the Identification Committee

registration process and that MINURSO could only function at the behest of Morocco (Ruddy, 2007; Dryden, 1996). The UN did conduct an audit of MINURSO in April 1995 following the allegations of Ruddy, which were supported by another UN employee, whilst they did note that there were sufficient inefficiencies within the mission, the audit concluded that whilst MINURSO had not been flawless it has quickly corrected mistakes and believed the allegations stemmed due to Ruddy's end of employment by the UN (UNGA, 1995, A/49/884).

However, the UN did not address the allegations of the overbearing presence and influence of Morocco over the mission. The fact that MINURSO's Legal Review Unit later overturned 7,000 Moroccan-sponsored candidates (Zunes & Mundy, 2010, p.204) is more indicative of the issues faced by MINURSO and adds credibility to the reports that some individuals within the UN may have been biased in favour of Morocco. Whilst Morocco was non-cooperative, defined as preventing the peacekeepers from fulfilling certain aspects of their mandate, the UN has ultimately responded diligently and the provisional voters list which was produced in 1999 showed no signs of Moroccan bias.

The Polisario withdrew from the identification process on August 7th 1995; one year after the identification of voters had begun. The Polisario was protesting against the identification of the three contentious tribes (tribes H, I and J) in the territory as well as the arrest and sentencing of eight Saharans by Moroccan military court (UNSC, 1995, S/1995/524). Despite the Polisario being previously aware that these tribes were to be identified, they had assumed that these tribes would constitute a minority of applicants. Nonetheless the majority of the 130,000 last minute individuals submitted by Morocco came from these groups.

The Special Representative managed to persuade the Polisario to return to the identification process, by promising to identify the 3 contentious tribes last, as was originally planned, and assuring the Polisario that the amount of individuals from the contentious tribes admitted to the voters list would be modest (UNSG, S/1995/779, p.10).

However, this merely put the problem of voter registration aside as opposed to resolving it and occasionally the Polisario would also invoke delay tactics to halt the identification process. The Polisario claimed it did not know any sheikhs or other notables for the three contentious tribes. The UNSG Boutros-Ghali (1992-1996) attempted to introduce a measure that would make it necessary for there to only be one sheikh present to identify a voter. This would have tilted the identification process in Morocco's favour and had the support of the

²² Former US Military representative to the Special Liaison Office of MINURSO

governments of the UK, USA and France but due to opposition within the UN Security Council (UNSC) a compromise was sought (Seddon, 1996, p.106).

The Special Representative continually tried to overcome the issue of voter identification and offered numerous solutions, but often encountered either Polisario or Moroccan opposition. By January 1996 the identification process was again halted as the Polisario was refusing to identify 4 subfractions of the 3 contentious tribes. The Polisario made it clear it would withdraw from the whole process if the UN attempted to force them to do so (UNSG, S/1996/43, p.3). The UN considered that after a year of inactivity the views of the respective parties amounted to 'irreconcilable differences' (UNSG, S/1996/343, p.3).

Throughout 1996, MINURSO was making no progress and it seems likely that had Boutros-Ghali continued as UNSG, MINURSO would have been wound up or, at least, merely a peacekeeping operation with the operative of enforcing the ceasefire. Boutros-Ghali had in his last year reduced the military observer force by 26 percent, police presence reduced from 91 to 9 officers and the non-military personnel from 410 to 170 (UNSG, S/1996/913). This would have been in keeping with the strategy of Boutros-Ghali as there is reason to doubt the sincerity of the UNSG in fulfilling the settlement plan to resolve the conflict. Boutros-Ghali had informed the UNSC that he did not expect the referendum to take place, but rather that once the voters list was produced Morocco would realise that it would not win Western Sahara by the ballot box and that consequently they would submit a generous offer of autonomy to the Polisario (Jensen, 2012, p. 74-75, 83).

In 1996 the settlement plan had been stalled for over a year by the lack of progress in identifying potential voters. The issues centred on the controversial subfractions, the roles of sheikhs and oral testimony whilst the UN was in the process of drawing down certain sections of MINURSO. Indeed, the UN had attempted secret meetings between the belligerent parties that sought to explore other possible solutions to the conflict aside from a self-determination referendum. The Special Representative arranged secret meetings between the Polisario and Moroccan government that were not mentioned in any of the UNSG reports of the time and would discuss options aside from the settlement plan.

Jensen succeeded in getting Bachir Mustapha Sayed, the then Polisario number two, and Driss Basri, the Moroccan Interior Minister and 2nd most influential individual in Morocco during the rule of King Hassan. The two sides met in Geneva where it was agreed a further higher level meeting was to be arranged in Rabat between the Polisario and a Moroccan

delegation involving the, then, Crown Prince Mohammed. The meeting in Rabat between the Crown Prince with Basri and the Polisario with Sayed took place and was generally amicable, however the following day King Hassan was due to meet the delegation but this was called off. It has never been explained why, with claims that vested interests in Moroccan were worried over the promises or that Algeria feared being left out of any agreement but the meeting with King Hassan was never realised. The momentum was eventually lost in 1996 as the USA was preoccupied with their Presidential elections as was Boutros-Ghali, who was seeking re-election as UN Secretary-General. Jensen believes that a real opportunity was missed as both sides had shown an inclination negotiate and he believed that the uncertainty of the identification process had led to both sides being more open to make concessions (Jensen, 2008, p.78-81).

Whilst MINURSO had failed to make meaningful progress on the identification of the voters list, there was certainly progress in the resolution of the conflict. The UN created a process that could have conceivably resolved the conflict as well as opening avenues of discussion between the belligerent parties but ultimately the UN did not achieve the key mandate objective of registering the voters. However, the UN was not helped by the role of the UNSC and the belligerent parties. There was a low-level of consensus among the UNSC, there was agreement that MINURSO should remain deployed but there was no agreement as to how resolve the impasse relating to the registration of voters.

Morocco had been non-cooperative²³, defined as preventing MINURSO from fulfilling certain aspects of their mandate, and there have been allegations that Morocco has actively interfered by threatening the staff of MINURSO's in their attempts to fulfil its mandate. The USA Senate report noted that Morocco withheld UN supplies, refused to provide the strength of their military presence in the territory to MINURSO and interfered with MINURSO observer's patrols and even threatened to fire upon MINURSO observers (US Senate, 1992; Human Rights Watch, 1995). Whilst the Polisario has also been non-cooperative, they have never interfered or threatened MINURSO and it has also cooperated and compromised with MINURSO to an extent that Morocco never has. The Polisario has permitted Morocco to retain sixty-five thousand troops in Western Sahara during a potential referendum and continually adapted to the changes of the settlement plan regarding the registering of the voters. However, the Polisario has on numerous occasions' suspended registration and openly

²³ The terms cooperative, non-cooperative and interfering were developed by Bratt (1996) and are defined in chapter three of this dissertation.

criticised MINURSO and often questioned its neutrality. Theofilopoulou²⁴ (2006, p.4) states ‘from 1992 to 1996, the Polisario was the more obstructionist of the two, stopping the identification often and openly questioning MINURSO’s integrity’. Therefore, there is the slightly odd juxtaposition that whilst both Morocco and the Polisario obstructed the UN during this period, the Polisario was the bigger offender but Morocco’s actions and the allegations against it were more serious.

Saharan repatriation

The completion of the voters list was crucial to the fulfilment of the two mandate objectives; repatriation and organising the referendum. Despite the lack of progress on the voters list, MINURSO did attempt to ensure that in the event that the voters list was completed, the voters could be transferred to Western Sahara and a referendum organised efficiently. However, much like the voters list, MINURSO’s attempt to facilitate the repatriation of Saharans was marred by a lack of progress.

The United Nations High Commission for Refugees (UNHCR) was to repatriate all Saharans who were found eligible to vote, along with their immediate families, to the Moroccan-controlled Western Sahara. The vast majority of Saharans live in the Tindouf refugee camps in Algeria administered by the Polisario. Zunes and Mundy (2005, p.185) state the outsourcing of the repatriation of Saharans to the UNHCR was an attempt to reduce UN’s budget costs. When MINURSO was deployed, the P5 wanted costs reduced as they could not justify excessive spending on a referendum of 70,000 individuals (Goulding, 2002, p.203). The UN took all measures to reduce all costs and limit the amount of individuals and materials necessary for MINURSO (UNSG, 1991, S/22464). The UNSC all shared a common interest in reducing the cost of MINURSO and other peacekeeping missions, because in the early nineteen-nineties there were UN peacekeeping missions in Namibia, Central America, Afghanistan, Cambodia, Iraq and ongoing missions in the Middle East therefore states were receptive of the costs the UN was accruing. The utility of such an approach must be questioned however because whilst the UN was owed over one-billion dollars by member states in 1992 (UN, 1993, ST/ADM/SER.B/395), MINURSO cost forty-million dollars annually and was often under budget.

²⁴ Theofilopoulou is a former UN official from the politics department and assisted James Baker in his role as Personal Envoy of the UN for MINURSO.

In the revised edition of the settlement plan, two conditions are set for the return of the Saharans to the territory. Firstly, there should be a general and complete amnesty for all returning Saharans and secondly, that the repatriation of Saharans should begin 11 weeks after D-Day in the implementation plan and be completed in 6 weeks (UN, 1991, S/22464).

The repatriation of Saharans was generally intended for Saharans who were on the registered voters list; however Morocco took unilateral action and moved 170,000 Moroccan citizens into the territory on September 15th 1991, one week after the ceasefire. Morocco claimed the returnees were ethnic Saharans who fled the territory during the time of Spanish colonialism. Zunes and Mundy (2010, p.195) support this view that they had historically lived in the territory but fled to Morocco due to droughts and wars with Spain and France. Polisario, in contrast, regarded the returnees as Moroccan settlers, and alleged that they have been paid a stipend and received subsidies to live in the territory (Chopra, 1994, p.33).

The movement of the returnees broke the agreement of the settlement plan, in particular the article which stated, 'measures that could obstruct a free and fair referendum' (UNSG, 1990, S/21360). As it changed the composition of Western Sahara's demographics and added a further complication for the self-determination referendum, as in the event of independence there would be a majority of Moroccan citizens in Western Sahara. The events of East Timor in 1999 show how such a situation could lead to violent reprisals (Chesterman, 2002).

It was not until the final UNSG report of de Cuellar that it was noted, '(a)s is well known, a number of persons who are claimed to belong to Western Sahara have moved into the Territory' (UN, 1991, S/23299, p.3). The official position of the UN was to ask for 'utmost restraint', reminding the parties that MINURSO was at a critical period, and that no actions should jeopardise its continuation. The 1995 UNSC delegation discussed the situation with the Polisario. The Polisario expressed its disappointment that neither the UNHCR nor the UNSC issued any critique of Morocco's transfer of citizens into the territory of Western Sahara, albeit this constituted a clear breach of the settlement plan (UNSG, S/1995/498). The UNSG assured the Polisario that only those who the Identification Commission identifies as eligible to vote will be registered. Whilst the UNSC welcomed the report they did not criticise or even mention the movement of Moroccans into Western Sahara (UNSC, S/RES/725, 1991).

The lack of pressure applied to the belligerent parties by the P5 did not improve the situation. The UN Security Council P5, whilst issuing resolutions which were consensual, never

reprimanded Morocco publicly, for numerous ceasefire violations, the transference of approximately one-hundred and seventy-thousand individuals and the numerous occasions it criticised or delayed the MINURSO process. The UNSC P5 as a whole did not wish to make any decisions which would impose any decisions on the parties or to take any alternative options that deviated from the settlement plan. France, as throughout the whole conflict, was decidedly pro-Moroccan within the UNSC but the USA generally sought a consensual agreement and was publicly neutral on the conflict.

Whilst the UN as an organisation failed to respond, the second Special Representative Johann Manz, resigned from his position. In his resignation letter he states his reasons for resigning were because Javier de Cuellar had meetings with Moroccan officials and introduced alterations to the peace plan without consulting him and his disappointment of the UN's handling of Morocco's actions undermining of MINURSO and the numerous cease-fire violations (Pazzanita & Zoubir, 1995, p.619). Durch (1993, p.153) emphasises the point that the Special Representative was not kept fully informed of political developments and was often sidelined by those close to de Cuellar (UNSG, 1982-1991).

Organising the referendum

The organisation of the referendum was planned out extensively in the settlement plan. There were for example plans to make arrangements for the illiterate as Morocco had a literacy rate of 40% in 1991 (World Bank, 2016). The powers of the Special Representative in regards to a referendum were significant as it was envisaged that he would have powers to override national laws which may impinge upon a free and fair referendum. A referendum campaign would also begin after the Special Representative was satisfied that conditions are free and fair. The referendum was due to be held after the release of all Saharan political prisoners and the repatriation of Saharans to Western Sahara. The Special Representative was also supposed to be responsible for maintaining law and order in Western Sahara during the transitional period that never occurred. Should either party have any issues that arise during the organisation or conduct of the referendum then they may take them to the Special Representative and his arbitration will be final (UN, S/21360, 1990)

In the later UNSG report of 1991 that updated the settlement plan and formed the basis of MINURSO, both parties agreed orally to a code of conduct that would govern their behaviour and those of their supporters, to ensure that there is political freedom during the period of political campaigning. It was stated that the Special Representative would initiate discussions

with the parties to codify the code of conduct immediately (UN, S/22464, 1991). For reasons that are never explained by the UN, and despite both sides agreeing in principle to a code of conduct agreement for the referendum, both sides were reluctant to sign any code of conduct agreement. The UNSG had finalised and sent off an agreement to the parties in August 1995, but both parties quickly rejected the document and the UNSG attempted to revise the document so that it would be acceptable to both sides (UNSG, S/1995/779).

Due to the lack of progress in the other mandate objectives of MINURSO, it was not until 1995 that the role of the UNHCR was properly laid out by the UN. The UNHCR was to record the residency wishes of every Saharan, issue the correct documentation to their immediate family and establish and manage reception centres that will be used to for the repatriation of Saharans (UNSG, S/1995/240, p.7). The UNHCR visited the region in 1995 and stated it would take 6 months to complete its work to assess the deployment of UNHCR and estimated eleven weeks to repatriate the Saharans on the list. MINURSO, specifically its military unit, was to ensure the security of the returning refugees (UNSG, S/1995/240, 1995). By late 1995, the UNHCR had placed officials in two MINURSO offices in Laayoune and the refugee camps of Tindouf (UNSG, S/1995/779). From this technical visit, the UNHCR revised the cost of repatriating the Saharans, which accordingly estimated to amount to approximately \$44 million (UNSG, S/1996/343).

Morocco continually stated that it would accept the repatriation of Saharans when the voters list had been published and that it would provide all means to facilitate the ‘rehabilitation’ of the Saharans (UN, S/1995/498, 1995). This was an ambiguous term, as King Hassan II of Morocco continually referred to Saharans as Moroccans who had gone astray. He also “‘appealed to ‘everyone of good will who has strayed from the path’ to ‘return to the motherland’ which would be ‘merciful and forgiving’ towards them’” (Mohsen-Finan, 2002, p.5). The implication of using the term rehabilitated by Morocco could thus mean they are willing to accept the return of the Saharans so long as the voters list presupposes that Morocco would win the referendum or that the Saharans identify primarily as Moroccan.

Release of political prisoners and Prisoners of War (PoWs)

Aside from the core objectives of MINURSO, there were other secondary objectives. The release of Saharan political prisoners as well as the Prisoners of War (PoWs) held by both sides was meant to reduce tensions and build a relationship between the belligerent parties.

The release of Saharan political prisoners was a principal aim of the Polisario. Mohamed Abdelaziz, the former leader of the Polisario, viewed human rights activists as an asset towards the Polisario's goal of self-determination (Lamin, Al-Monitor, 2016). The UN settlement plan stated that all Saharawi political prisoners and detainees must be released before the referendum, and that any disputes concerning the release of PoWs were to be solved to the satisfaction of the Special Representative. The UNSG stated his plans to appoint an independent legal jurist to assist MINURSO on the issue (UN, S/21360, 1991, p.10). The first independent jurist appointed was George Abi-Saab, but he left before any serious progress was made on the release of political prisoners. Due to the slow progress made by MINURSO in the other aspects of the mandate, the UNSG had not appointed another independent jurist until early 1995 and the UNSG chose to appoint Emmanuel Roucounas, a professor of international law, as his independent jurist (UNSG, S/1995/240).

Many Saharan prisoners were already released before the deployment of MINURSO in 1991 (Pazzanita & Hodges, 1994, p.ixiv). It may have been the result of coverage by NGOs such as Amnesty International and Human Rights Watch which led to Morocco releasing the prisoners. Morocco would often release the prisoners on national holidays as of a result of the Kings pardons. Both Amnesty International and Human Rights Watch note that in late 1992, between 260 to over 300 Saharan political prisoners were released (Amnesty International, 1992, p.191; Human Rights Watch, 1992).

On September 14th 1995, the independent jurist Emmanuel Roucounas met with Moroccan officials in Rabat and provided an unofficial list of Saharan prisoners. The numbers on the list were not publicised but the Polisario regularly claimed up to 200 Saharans were held in Moroccan prisons on political charges (UN, S/1996/43, 1996). Following up from this meeting, the independent jurist met with Moroccan officials to discuss the unofficial list. He was informed that eight Saharans had their sentences reduced to a year by royal pardon and were due to be released in July 1996. With regards to the rest of the list Morocco claimed that a, 'considerable number was unknown, some names were allegedly duplicated in the list, some had been freed, some were already dead, and a small number were said to be with the Frente POLISARIO' (UNSG, S/1996/674, p.3-4). However, Amnesty International states Morocco had previously feigned ignorance of individuals in their prisons and that, 'in every case the authorities had flatly denied prior to their release that the individuals were being held' (Amnesty International, 1992, p.191). This makes it hard to believe Morocco protestations that they were not aware of the Saharans on the independent jurists list.

Morocco also indicated that they were unwilling to discuss the names individually as it was only an unofficial list but it would be willing to do so should the UN provide an official list in response. The jurist enquired about the situation of 10 Saharans who had been arrested in Boujdour, Western Sahara on the 20th May 1996. Morocco again claimed ignorance, stating that they were not aware of ‘any detentions for political reasons’ (UNSG, S/1996/674, p.4). There was no follow up from the UN or other member states on Morocco to reveal any details of the disappeared Saharans.

Following from this meeting the jurist met with the Polisario in Tindouf and the Polisario stressed the need for effective action on the question of political detainees and its readiness to contribute to the list of Saharan political prisoners. The jurist met with a Saharan NGO which provided him with a list of disappeared Saharans and in January 1997 the Polisario provided the jurist with an updated and annotated list of the persons allegedly detained for political reasons (UNSG, S/1997/166).

The list contained 167 individuals who were allegedly political prisoners and Moroccan officials stated to the independent jurist that they only identified one of the individuals on the list, the infamous Mohammed Daddach²⁵. Morocco claimed that the rest of the list was made of those who were dead, unknown, joined the Polisario, been released, been amnestied or their names were duplicated on the list. Moroccan officials told the independent jurist that they would provide the names of those in each category at a later date and they expressed concern that the list was only provisional and therefore subject to further additions (UNSG, S/1997/742).

It was also envisioned that the belligerent parties would exchange Prisoners of War (PoWs) soon after the cease-fire was brought into force (UNSG, S/21360, 1991). In the revised edition of the settlement plan, the exchange of POWs was delegated to the International Commission of the Red Cross (ICRC) (UNSG, 1991, S/22464). As with all the other objectives, the hold up in the identification of a voters list had a resultant effect on the exchange of the PoWs. The ICRC visited the PoWs in both the Moroccan prisons and the Tindouf camps and stated that the exchange of PoWs can take place whenever the belligerent parties are ready (UN, S/1995/240). The Polisario had been attempting to transfer 200 of the eldest prisoners, many with health issues, since 1989 but Morocco had refused to accept them and the PoWs were forced to continue living in makeshift prisons at the refugee camps in

²⁵ Mohammed Daddach is a Saharan who was enlisted in the Moroccan army and was sentenced to death, later commuted to life imprisonment, for deserting the army.

Tindouf. Edward Gabriel²⁶ states this was because King Hassan felt the Polisario sought to gain political capital by releasing the prisoners incrementally (Kennedy, 2005).

The crux of the issue from Morocco regarding the PoWs is that by accepting there is Saharan political prisoners in their prisons gives the Polisario credence as international movement. Morocco has been reluctant to accept the Polisario as equals and accept that it has been at war with the Polisario, preferring to view the conflict as a struggle for regional supremacy between them and Algeria and that in turn the Polisario is a vassal movement controlled by Algeria (Africa Confidential, 1998, p.4).

However, Morocco was clearly not dogmatic over the issue. On November 1995, Morocco finally accepted the remaining 186 PoWs (the others died due to ill health) at the instigation of the governments of Argentina and USA (UNSG, S/1996/43). This proves that when governments, in particular the USA and/or France, put pressure upon Morocco they can achieve results from Morocco. This is emphasised the following year, after an initiative by governments of the USA and Germany, Morocco released 66 Polisario PoWs (UNSG, S/1996/913).

Monitoring and withdrawal of troops

There were two other objectives, monitoring the troops of Morocco and the Polisario and overseeing the drawdown of Moroccan troops, which were contingent on the referendum taking place. Whilst the referendum did not take place, the UN still had to ensure that provisions were in place for a potential referendum.

In the original settlement plan of 1988, Morocco was to undertake ‘an appropriate, substantial’ reduction of Moroccan troops in Western Sahara following the proclamation of D-Day signalling the beginning of the referendum campaign (UN, S/21360, 1991). Javier de Cuellar (UNSG) stated that his military advisors believed that Morocco had 159,000 troops in the territory, mostly stationed along the berm wall. The UNSG stated in his revised settlement plan of 1991 that, ‘Morocco has undertaken to reduce its troops in the Territory to a level not exceeding 65,000 all ranks . . . I have accepted this as an appropriate, substantial and phased reduction in accordance with the settlement proposals’ (UN, 1991, S/22464, p.5).

Javier de Cuellar met with King Hassan to attempt to reduce the amount of Moroccan troops to twenty percent of his 159,000 estimate (32,000), but Hassan’s firm counter-proposal was a

²⁶ Former USA ambassador to Morocco and currently a government adviser to the Moroccan government.

fifty percent reduction leaving 80,000 troops but as a compromise King Hassan offered to reduce his troops to 65,000 and the UNSG agreed (de Cuellar, 1997, p.343-347). It can be disputed as to whether 65,000 troops is an 'appropriate' amount for a territory with only approximately 200,000 (UN, Economic and Social Affairs, 2016). It appears as a capitulation to Morocco's demands and the dangers of allowing such a large amount of troops in Western Sahara, alongside the increasingly Moroccan civilian population in Western Sahara, and organising a contentious referendum were made apparent in East Timor. The UN mission in East Timor was beset with criminal damage and massacres after the referendum results were released and the Indonesian military allowed the pro-Indonesian militias to run amok, although this occurred in 1999 several years after the deployment of MINURSO.

Regardless, the mission's D-Day never occurred as the official voter lists were never released and MINURSO never initiated the transitional phase during which period the Special Representative will act as governor-in-chief for Western Sahara with powers to repeal laws which may inhibit a free and fair referendum. Therefore the UN was never in a position to enforce the reduction of Moroccan troops but MINURSO still sought assurances from Morocco that if the transitional period was in effect their troops would withdraw. The Major-General of the Moroccan army ensured MINURSO that the army was prepared to withdraw whenever the transitional period was enforced (UN, S/1995/240, 1995). Driss Basri, Moroccan Minister of Interior, also confirmed that Morocco was planning to reduce its troop numbers to 65,000 at the beginning of the transition phase (UN, S/1995/498, 1995). The UN did ask Morocco to specify the strength and location of their troops within Western Sahara but never received an answer (UN, S/1995/779, 1995).

As the mandate of the UN began to shift from the settlement plan to a political solution the withdrawal of troops was put on hold as any new agreement would likely contain provisions that differed from the settlement plan but Morocco restated its commitment to reducing its troops in Western Sahara to the new Personal Envoy (UNSG, S/1997/742).

As has been discussed in the monitoring of the ceasefire, MINURSO has been able to monitor the troops in the designated bases, but as the transition period has never occurred there has never been a withdrawal of troops by either side to specified positions. MINURSO still planned for that eventuality and it was agreed that Morocco would confine its troops to the berm wall but Polisario troops were to be discussed at a later time (UNSG, 1991, S/22464).

The confinement of the Polisario troops had proved contentious as Morocco refused to allow the Polisario troops to withdraw to the SADR, preferring them to be confined in Algeria, whilst the Polisario refused for its troops to be based outside the potential state (UNSG, S/1995/498). During this period of time the regional powers and observers to the mission, Mauritania and Algeria, were assisters to the conflict. Throughout all of MINURSO, Mauritania has been an assister as it rarely offers objections and attempts to assist in any way to resolve technical issues of settlement plan whilst also being supportive of any agreement between the parties that diverges from the plan. Whilst during the initial period Algeria was also an assister as it supported the settlement plan and allowed the UNHCR to open an office in the Saharan refugee camps of Tindouf.

6. Alternatives to the Settlement Plan: Political Solutions with a Referendum

The incoming UNSG Kofi Annan (1997-2006) in his first report sought to assess the original mandate of MINURSO and query if any other options were available for the resolution of the conflict. From 1997 we enter the dual-track negotiations phase and the UNSG asked the UNSC to consider the following questions, ‘(a) Can the settlement plan be implemented in its present form? (b) If not, are there adjustments to the settlement plan, acceptable to both parties, which would make it implementable? (c) If not, are there other ways by which the international community could help the parties resolve their conflict?’ (UNSG, S/1997/166, p.5). The UNSG also announced the appointment of former US Secretary of State James Baker as the Personal Envoy of the United Nations (Personal Envoy). This signified an increased urgency in resolving the crisis as it was seen as diplomatically significant that an American official had been brought into the process.

The UNSG appointed Baker with the specific remit of negotiating an alternative political solution as the UN and the UNSC believed the settlement plan was close to being obsolete (Shelley, 2003, p.136-137; Mundy, 2004). The limited success in bringing the two sides together in secret meetings in 1996 had given the incoming the UNSG confidence that the solution of the conflict was close, most likely to be a negotiated settlement (Mundy & Zunes, 2010, p.206). The Personal Envoy was given permission to deviate from the Settlement Plan but as both parties stated their desire to continue with the settlement plan, he was obliged to do so.

Both parties were resolute in their support of the settlement plan despite the divergence of views on the issues of voter identification, troop confinement, the release of PoWs and political detainees and a code of conduct for the referendum campaign. The Polisario understood that a referendum with independence as an option represented their best chance of achieving their aims of an independent state. Whilst Morocco believed that they could win a referendum and that it would lead to international recognition of Morocco’s position (Al Ayam, 2003). Therefore the Personal Envoy had to attempt to resolve the issues regarding the voters list. To overcome the issues of the voters list and the other stalled mandate objectives, the Personal Envoy James Baker sought direct meetings between the Polisario and Morocco. The Houston Agreement was the result of four rounds of negotiations between the belligerent parties. The UNSG was cautiously optimistic that the Houston Agreement would overcome

the issues dividing the parties and ensure that MINURSO would be able to fulfil the settlement plan (UNSG, S/1997/742, p.6).

Monitoring the ceasefire

MINURSO remained contingent on Morocco and the Polisario abiding by the ceasefire. By 1997 the monitoring of the ceasefire was firmly established and there were fewer violations than at the beginning of the MINURSO mission but both sides, on occasions, were still hindering MINURSO's efforts and acted against the spirit of the ceasefire at differing times. Morocco continued to obstruct the UN, never critically, but in such a way as to slow the progress of the mission and make the MINURSO personnel feel more uncomfortable. Morocco withheld the communication equipment of an engineering unit whilst they worked to improve the MINURSO facilities (UNSG, S/1999/88, p.2).

In June 1998, Morocco disrupted the running of MINURSO as it suddenly claimed to the UN that MINURSO military observers were required by national law to store their weapons and ammunition in the Moroccan armed forces depots. The UN in turn requested that whilst the status-of-forces agreement was pending that the observers be permitted to carry their weapons and keep custody of their equipment at UN sites (UN, S/1998/534, p.3). This issue hindered the UN's ability to monitor the ceasefire, but there was little criticism of Morocco within the UNSG reports or from the UNSC.

A status-of-forces agreement formally codifies the presence and rights of a UN peacekeepers with the agreement of the host nation and is usually signed before a UN peacekeeping operation is deployed. Due to the hurried and flawed deployment of MINURSO there was no time for an agreement and Morocco continually raised objections and stalled signing the agreement until March 1999. This is a key aspect of a Comprehensive Settlement Agreement and the fact that such an agreement only came after almost eight years signifies the lack of pressure on upon Morocco to sign the agreement and the lack of foresight by the UNSG in the original deployment of MINURSO.

In September 1999, UNSG reports referred to 'communal disturbances' that followed the break-up of a sit-in protest held by Saharan students and workers. The UN states that from these protests, Morocco 'sanctioned security official and sentenced to prison 27 persons who participated in communal rioting and looting on 27 and 28 September' (UN, S/1999/1098, p.2). Again there was a discrepancy in the reports of the UN and other international organisations. Amnesty International noted that, '(d)ozens of people were sentenced to prison

terms of up to 15 years following trials which failed to conform to international standards for fair trial. These included protesters arrested following demonstrations in Laayoune, Western Sahara, in September' (Amnesty International, 2000, p.172). This once again highlights the futility of a ceasefire agreement that does not contain a human-rights mandate as it can make the UN appear indifferent or even complicit in the human-rights abuses of any state.

Late in 2000, the Dakar rally threatened to bring the parties to war. Until 2001²⁷ the event had passed through Western Sahara but on this occasion only Morocco was consulted and the Polisario considered the event a breach of the ceasefire and affirmation by the international community of Morocco's sovereignty over Western Sahara and thus the Polisario pledged to react in a defensive manner. In response, Morocco pledged to retaliate to any Polisario attack. As both sides were preparing militarily the UN consulted with the Polisario but the Polisario retained its stance that the rally represented a ceasefire breach and therefore they reserved the right to react to the provocation. On the 7th January 2001, the Polisario issued a communiqué stating it would allow the rally to pass through without impediment and was deescalating its military activities, it stated that the appeals of the President of the OAU, Algeria and the USA were crucial in reaching its decision (UNSG, S/2001/148, p.1-2).

Soon after, in March 2001 Morocco announced plans to build a road connecting Western Sahara to Mauritania. This would require construction work through the agreed buffer zone and the Moroccan military would provide protection for the builders. The UN and member states applied pressure on Morocco to suspend the road works and Morocco did suspend the works (UNSG, S/2001/613, p.3). However the issue has not been definitively resolved and Morocco has restarted work on the roads as recently as December 2016.

Although possible conflict was averted, the Polisario retaliated to the Dakar rally by restricting the movements of the MINURSO military observers. UN military observers were not allowed within 800 metres of Polisario unit locations, there were further restrictions on air and ground reconnaissance patrols and the Polisario was not informing MINURSO when its military units left the confined areas it was supposed to remain in. The UN raised objections with the Polisario leadership but the officials stated the restrictions could not be lifted (UNSG, S/2001/148, p.1). The restrictions were not eased until July 2002 and the patrolling of MINURSO military observers could once again resume, however all the

²⁷ The Dakar rally is a car race which, until 2007, started in Paris and ended in Dakar. The route used to go through Morocco and Western Sahara.

restrictions were not totally lifted for ground and air reconnaissance activities by MINURSO until 2004 (UNSG, S/2003/59; UNSG, S/2004/827).

The ceasefire continued to hold between the parties despite the difficult circumstances and the UN successfully managed to de-escalate two incidents in 2001 which threatened to re-ignite the conflict. The role of the belligerent parties was non-cooperative. Whilst neither party interfered with MINURSO to such an extent that the monitoring of the ceasefire was no longer possible, Morocco and the Polisario were both unsupportive of MINURSO's efforts and placed temporary restrictions on the mission's ability to monitor the ceasefire.

The continued support of the UNSC P5 for the ceasefire has also helped to constrain the actions of Morocco and the Polisario. Since the expansion of UN peace operations following the end of the Cold War, it has created an expectation that the UN will attempt to rectify human rights abuse wherever they are committed, especially in countries with a UN presence. However, the UN has been forced to be a bystander in the abuses of human rights in Western Sahara. MINURSO does not have a human rights mandate and it is unlikely the 375 military observers would have been able to enforce one, but the UNSG had stated that MINURSO would not allow abuses go on under their mission. The lack of response, either by criticising Morocco or enforcing a human rights mandate, by the UN P5 is indicative of their contentedness with the situation of Western Sahara, so long as the two belligerent parties do not reignite the war.

Saharan Repatriation

The Houston Agreement resolved various problems which were stalling the settlement plan. One of the first agreements that Personal Envoy James Baker obtained from the parties was the agreement in principle that the UNHCR should begin with the preparatory process of the repatriation of Saharans (UNSG, S/1997/742). The Houston Agreement also resulted in the agreement of the code of conduct for the potential referendum. The code of agreement granted authority to the UN on all issues pertaining to the referendum and setting out the parameters for the both parties in the campaigning period (UNSG, S/1997/742).

In October 1998 the Moroccan Minister of Interior Driss Basri agreed that the UNHCR could send a mission to Morocco and Western Sahara to commit activities such as confidence-building, infrastructure development, completing its preparatory work and planning and ultimately ensuring the resettlement of Saharans to Western Sahara (UNSG, S/1998/997). After months of confirmations and discussions with the Moroccan government the UNHCR

moved into its new offices in Laayoune on March 1999 although Morocco curtailed their initial activities to only those of a technical nature (UNSG, S/1999/307).

UNHCR managed to pre-register all the inhabitants from the Tindouf refugee camps that would be eligible for repatriation to the territory by February 2000. The Polisario did initially refuse the UNHCR access to pre-register Saharans in Tindouf as there remained several objectives unresolved in the settlement plan. They also wanted the Saharans to be repatriated to the Polisario-controlled Western Sahara despite the lack of infrastructure and suitable towns/cities (UNSG, S/2000/683). Whilst Morocco demanded they be repatriated to Moroccan administered Western Sahara (Jensen, 2012, p. 88). The inhabitants themselves expressed their doubts that the UN would be able to guarantee their safety in Western Sahara during the transitional phase due to the role of the UN in the Laayoune protests in 1999 and the events in East Timor (UNSG, S/1999/1098).

Release of political prisoners and PoWs

The Houston Agreement and the subsequent efforts of the UNSG and UN member states did achieve progress on the exchange of PoWs and political prisoners. Both sides agreed that the release of PoWs and political prisoners should be occur as soon as possible, in the expectation that a referendum would be held soon and the repatriation of refugees be undertaken by the UNHCR.

The independent jurist had been due to return to Western Sahara to resolve the long-standing issue of the Saharan political prisoners in Morocco but by September 1999 Emmanuel Roucounas left his post due to other commitments (UNSG, S/1999/954, p.5). Before his resignation the independent jurist had been making progress on list of Saharan prisoners and, despite the stated wish of the UNSG, he was never replaced. This is indicative of the lack of desire and political will by the P5 of the UNSC.

The UNSG estimated that in October 2000, Morocco had 207 Saharan political prisoners (UNSG, S/2000/1029). After Roucounas left his role as the independent jurist, the release of Saharan political prisoners continued in a similar intermittent pattern as the release of the PoWs. However, whilst it was at the discretion of either party to release their captives, the UN and member states applied far more pressure on the Polisario to release the PoWs they were holding in comparison to the pressure applied to Morocco for the disappeared Saharans and political prisoners. In 2002, Morocco amnestied 25 Saharans. Mohamed Daddach was

among them, as well as 24 civilians who were arrested in the 1999 demonstrations (UNSG, S/2002/41).

Despite Morocco receiving its first PoWs in 1995, it was still reluctant to receive the remaining PoWs in instalments as the Polisario was offering. The UN stated in 2000, that the Polisario held 1,686 Moroccan PoWs captive in its makeshift prisons in Tindouf (UNSG, S/2000/1029). Morocco remained adamant that they should all be released at once. In accordance with the Geneva conventions Morocco had a valid point, as all the prisoners had been held for over 10 years, the time that all PoWs should be released according to the Geneva Conventions. However the Polisario is not a signatory to the Geneva conventions. The UNSG requested that the Polisario release the Moroccan PoWs in their camps and that their continued captivity was 'a serious humanitarian issue' (UNSG, S/2002/41, p.5). By 2001, the UNSG stated that the International Committee of the Red Cross (ICRC) believed that to the best of their knowledge there was no longer any Saharan PoWs held by Morocco (UN, S/2001/613, 2001, p.26). However, this was contradicted by an ICRC report in 2002 that there remained 253 individuals whose whereabouts were unknown (ICRC, 2002, p.331).

The Moroccan position on PoWs softened in January 2000 as it informed the ICRC that it was prepared to receive all the PoWs held by the Polisario (UN, S/2000/131, 2000). This change in policy is likely the result of the change in administration of Morocco following the death of King Hassan II in 1999.

Following the re-election of Kofi Annan as UNSG in 2001 there seems to have been a concerted effort to apply more pressure on the Polisario to release the Moroccan PoWs. The Polisario continued to release the PoWs it held in instalments of approximately 100 a year, often as a result of pressure by Germany, Argentina or the USA. The Polisario had been using the PoWs as leverage for the release of the Saharan prisoners in Moroccan prisons. This was contrary to the settlement plan which stated that PoWs would be released once the ceasefire was implemented. It is inconclusive if the release of PoWs by the Polisario was due to the extra pressure by the UN and its member states or due to the fact that after over 30 years of imprisonment the Polisario no longer saw the utility in keeping the PoWs²⁸.

In August 2005, the Polisario released the final 404 Moroccan PoWs held by the group and the UN explicitly cited the role of the USA in securing their release and Edward Gabriel

²⁸ There have been allegations that the Polisario only released PoWs after receiving payments from states/NGOs, however these allegations often come from those known with a pro-Moroccan bias (Kennedy, 2005).

states that the role of the USA was crucial, as a delegation led by US Senator John McCain was pivotal in securing the release of the last remaining PoWs (UNSG, S/2005/648; Kennedy, 2005). All the prisoners held by the Polisario had been released by 2005. Yet, Saharan prisoners continued to be released at the volition of the biannual pardons by the King of Morocco.

The success of the UN in getting the parties to release their PoWs is not clear cut. The original plan stated that the PoWs would be released as soon as the ceasefire was implemented. The last PoWs were released in 2005, and the ceasefire was implemented in 1991. It is clear that pressure from the USA government as well as the UNSG was crucial in facilitating their release but this pressure has not been replicated with the Saharan prisoners in Moroccan jails.

Monitoring and withdrawal of troops

The Houston Agreements was able to resolve the issues relating to the withdrawal of the troops by the Polisario. The agreement stipulated that the Polisario could keep 2,000 troops in Polisario-controlled Western Sahara, Mauritania agreed to confine a further 300 troops and Algeria pledged to confine the rest. Morocco restated its commitment to reducing its troops in Western Sahara to the new Personal Envoy (UNSG, S/1997/742). However, whilst an agreement was in place, the likelihood of MINURSO ever being able to enforce the withdrawal of the Moroccan army was openly being questioned within the UN (UNGA, 1999, A/AC.109/1999/11). Through the Houston Agreement, Mauritania and in particular Algeria fulfilled the roles of assisters as they allowed the Polisario troops to withdraw to their states and Algeria has exerted pressure on the Polisario not to reignite the military conflict with Morocco.

Identification and registration of voters

Most substantively, the Houston Agreement resulted in the resolution of the objections holding up the identification of voters. It was agreed by both parties that neither will, 'directly or indirectly sponsor or present for identification anyone from tribal groupings H41, H61 and J51/52 other than persons included in the Spanish census of 1974 and their immediate family members, but the parties shall not be obligated to actively prevent individuals from such tribal groupings from presenting themselves' (UNSG, S/1997/742, p.8). It was also agreed that the UNSG would notify the parties of the results by number, of the identification process to date, whilst reiterating that oral testimony will be considered for

identification purposes and the UN Identification Commission had final say over technical issues relating to the identification process. Identification of voters resumed on 3rd December 1997.

The UN deserves credit for the Houston Agreement, as they brought the two parties to direct negotiations, succeeded in getting their signatures on an agreement and had resolved the issues impeding repatriation, the withdrawal of troops and the identification of voters. Whilst the UN was cautiously optimistic, Anna Theofilopoulou²⁹ (2006, p.7) noted that the mood amongst the Personal Envoys team was that, ‘(a)fter the parties had locked themselves in, it was a question of who would back away from their commitments first’. Due to the subsequent failure of the settlement plan it is often forgotten that the Houston Agreement had succeeded in resuming the identification process and did eventually lead to a voters list, however the UN is not entirely blameless as they discarded the appeals process far too soon, which had relieved the growing pressure upon Morocco and had taken the momentum away from the Polisario.

Despite the agreement on the identification of sub-fractions H51, H61 and J51/52, both sides still disagreed on how to proceed with their identification. In late 1998 when the Identification process stalled, the UN provided both parties with the numbers of individuals who were being accepted on the voters list. It showed to both parties that from 147,249 individuals, 84,251 had been found eligible to vote, Morocco was not satisfied with such a low identification rate. This led Morocco’s Minister of Interior Basri, to visit Laayoune. In a public addresses he alleged bias against the members of the Identification Commission and MINURSO was again criticised in the Moroccan press (UNSG, S/1999/875, p.3).

The UNSG offered both parties an agreement that was broadly similar to the Houston Agreement. It stated that the individuals from the contested tribes should present themselves on their own and that the appeals process would begin concurrently (UNSG, S/1998/997, 1998). The UNSC, in a rare unified and concerted effort, made an intervention and called on both parties to accept the proposals of the UNSG (UNSC, S/RES/1204, 1998). The Polisario promptly did so, whilst Morocco took over six months to give its consent. Whilst the influence of the UNSC over issues such as releasing prisoners had been shown to be successful. This event serves to show the influence a unified UNSC can wield over the parties,

²⁹ An adviser to the Personal Envoy of the UN, James Baker.

and how a cooperative UNSC can help overcome seemingly intractable issues of voter identification which had continually stalled MINURSO.

The identification and appeal process resumed in September 1999. The resumption of the identification was strictly related to the contentious subfractions of H41, H61 and J51/52 and the appeals process of individuals, excluding the contentious subfractions, was concluded in mid-September 1999 (UNSG, S/1999/1098). The identification of the contentious subfractions was complete on 30th December 1999 and thus the appeals process was opened on 17th January 1999. The UN released the data of the identification of the contentious subfractions that were eligible to vote and of the 51,220 individuals interviewed, 2,135 were judged as eligible to vote in the referendum. Therefore of a total of 198,469 individuals interviewed only 86,386 were found eligible to vote. Roughly correlating with the approximately 73,497 people counted in the Spanish census of 1974.

The process of the provisional voters list had led King Hassan to consider devolution to the territory and he had been studying the German *länder* and Spanish autonomous regions (Zunes & Mundy, p.219, 2010). Whilst the position of the Polisario regarding independence had strengthen as the movement felt emboldened by the provisional voters list, despite previously being the party that had wanted to have direct negotiations. Whilst the UN could have persisted with the appeals process in the hope of inducing Morocco to offer a serious and credible autonomous agreement, the closer the appeals process was complete the closer MINURSO would be to having to hold a referendum. For several reasons this was not likely, firstly King Mohammed was new to the throne and an unfavourable outcome in referendum could have led to turmoil and his potential overthrow. Secondly, there are numerous vested interests in Morocco that profit from Western Sahara. Thirdly, Morocco's allies, especially France and the USA, sought to protect the young King from any serious disturbances. Whilst the UN itself was in a tough position following the referendum of East Timor. A referendum would likely have resulted in a victory for independence and therefore Morocco would likely either continue administering the territory in defiance of international law, weakening the UN as an institution and embarrassing Morocco's allies, or violently rejected the result which would have a similarly weakened the credibility of the UN.

Morocco again expressed its dismay and surprise at the low amount of individuals found eligible to vote and Moroccan officials again questioned the impartiality and objectivity of the Identification Commission, it also issued a foreboding warning that, 'the referendum will

not be held if any person originating from the Sahara were denied the right to participate' (UNSG, S/2000/131, p.2). Whilst the Polisario also warned that in the event of further delays to the referendum process it could result in a return to armed hostilities.

The applications for the appeals process was closed on the 25th February 2000 and the UN stated that in total there were over 130,000 appeals lodged. This confirmed the worst fears of the UN that the identification process had to essentially be repeated (UNSG, S/2000/461).

The UN noted that the vast majority of appeals were against the exclusion from the provisional voters list, but that they have listed only one or two witnesses to support their claims and the use of documentary evidence was limited (UNSG, S/2001/148). Therefore it was unlikely that there would have been a substantial difference in the voters list as the situation of the appealing voters had not changed and that extra witnesses were unlikely to succeed in overturning their exclusion.

In early 2000, the UNSG issued a frank report. Following the stalling of the appeals process, the UNSG was not confident that MINURSO would be able to fulfil the settlement plan. The UNSG Annan, stated that Morocco and the Polisario both believed that the composition of the voters list would predetermine the outcome of the referendum and thus 'the cooperation of one or the other party with MINURSO has been predicated upon its perception of how the results might be favouring the other side' (UNSG, S/2000/131, p.9). The UNSG also stated that the factors which compromise the settlement plan were unlikely to be resolved. Aside from the registration of voters there was the issue of repatriation for Saharans to the territory and the UN had become despondent at resolving technical objections only for more to arise. Finally, it also stated that, 'if the result were not to be recognized and accepted by one party, it is worth noting that no enforcement mechanism is envisioned by the settlement plan, nor is one likely to be proposed, calling for the use of military means to effect enforcement' (UNSG, S/2000/131, p.10). Immediately France drafted a resolution which proposed 'exploring alternatives to the referendum' but despite all the issues outlined the UNSC eventually agreed to continue with the settlement plan (Seddon, 2000, p.338; UNSC, S/RES/1309).

Subsequently, there were three meetings held between the UN, Morocco and the Polisario in 2000. The aim of these talks was to overcome the issues of the appeals or begin talks on an alternative negotiated solution. The talks did not start well, the first meeting in London was describe by the UNSG as 'a frank exchange of views during the discussions; the meeting was however, inconclusive' (UNSG, UN/2000/461, p.2). There were further meetings between

the two sides and now that the fears of the Polisario had not been borne out, it was far more willing to trust the UN. The Polisario now stated its willingness to proceed with the appeals process and believed that it would be up to the UNSC to take the necessary measures to ensure the referendum results are respected. Morocco's reservations were numerous, they stated it would not submit testimony by new witnesses in the presence of Polisario sheikhs, it could not comprehend the reversal of identification results for some 7,000 applicants that had previously been accepted and stated that since the process began in 1993 up to 30,000 Saharans had become eligible by age to vote in the potential referendum, the Polisario estimated that 11,000 Saharans had become eligible (UNSG, S/2000/683, 2000; UNSG, S/2001/148, 2001).

Interestingly, the Polisario hoped the referendum would go ahead and had little confidence in the UN being able to enforce the results and asked Spain, Belgium or Italy to act as guarantors of the referendum if the results produced coordinated violence similar to East Timor, each state replied negatively (Theofilopoulou, 2006, p.8). Ultimately, Morocco stated it may have an interest in an alternative decision. Baker gave Morocco the opportunity to provide an alternative solution, however the two solutions provided to the UNSG and Baker were deemed unsatisfactory in private which led to Baker proposing the Baker Plan I (Mundy & Zunes, 2010, p.222).

As the settlement plan was only possible with the support of both the parties, it was essentially disregarded by the UN in 2001 as James Baker proposed his Baker Plan I. This had not been a surprise as since 2000, the UN had begun to openly doubt the viability of the appeals process. As approximately 130,000 individuals would require re-identification and the UN stated clearly that, '(t)he respective positions of the two parties do not augur well for an early resolution of the issue of admissibility of appeals for hearings' (UNSG, S/2000/131, p.9). The UNSG and Personal Envoy were hopeful that the Baker Plan I was more likely to get the cooperation of both parties. Throughout the rest of 2000 the UNSG tried to emphasise to the parties that a referendum was as distant as ever and that they should consider other alternatives to solve the impasse. The UNSG and Personal Envoy urged parties to move beyond a winner-take-all approach and reconsider a negotiated dispute (UNSG, S/2000/131; UNSG, S/2000/461; UN, S/2000/683).

The UNSC and the UNSG have been criticised for ruling out the appeals of registered voters too quickly (Zunes & Mundy, 2010, p.215-220). After Morocco notified the UN that the vast

majority of individuals rejected would appeal the UN quickly accepted that the self-determination referendum could not be held. The UNSG and the Personal Envoy appear to have realised this mistake as when they pressured Morocco into producing a credible autonomy planned they threatened to restart the appeals process (UNSG, S/2000/1029, p.6). The UN was ostensibly prepared to begin the appeal process and created an electronic archive of the 244,643 individuals who applied to be included in the voters list if the settlement plan was ever revived (UNSG, S/2003/59). The UN even made provisions should the reservations of Morocco and the Polisario be overcome through arbitration and negotiations between themselves, and MINURSO was allocated funds for the Identification Commission up until 2005 (UNSG, S/2004/39).

However, Morocco called the UNSG and Personal Envoy's bluff as they correctly predicted that the settlement plan was redundant and the Personal Envoy eventually produced the Baker Plan I. The UN sought to change the nature of the resolution process as a self-determination referendum was a high-stakes winner-takes-all solution and this contributed to the belligerent parties attempting to revise previous agreements to ensure that their interests were furthered in the settlement plan and thus both sides had become accustomed to the UN resolving issues (UNSG, S/2001/613). As a result, the UNSG told the Personal Envoy to 'explore ways and means to achieve an early, durable and agreed resolution of their dispute' (UN, S/2001/613, p.10).

The Polisario was far more cooperative, after the publication of the voters list. The Polisario was more accommodating to MINURSO as it no longer doubted its impartiality and felt emboldened in its position (Theofilopoulou, 2012, p.692). Conversely, Morocco remained non-cooperative and was the chief spoiler of the identification process as it became apparent that the provisional voters list would likely lead to a vote for independence if a self-determination referendum took place. MINURSO had produced a first draft of the voters list that was broadly in line with what was originally set-out by the UN, therefore in one sense the UN was close to the completion of the mandate objective of voter identification and closer to the resolution of the conflict. It made little sense then for the UN and the UNSG to subsequently undo all the hard work and disregard the provisional voters list, especially without at least exerting pressure upon Morocco to produce any concessions in a negotiated settlement.

Whilst the UN was too quick to disregard the provisional voters list, once it had been publicly disregarded it was in a difficult position. The UNSC had made clear that MINURSO would not adopt Chapter VII powers to enforce the results of the referendum and following the death of King Hassan in July 1999 the USA no longer used its influence to get Morocco to accept the settlement plan. The USA feared for the stability of King Hassan's successor, Mohamed VI, if forced to give concessions to the Polisario early in his reign. The UN may also have misread the political situation of the Maghreb, as it was perceived that there were encouraging signs that a negotiated settlement between the parties would be possible as there were high hopes for democratisation of Morocco under King Mohammed and that the new Algerian President, Bouteflika, was more pro-Moroccan than his predecessors. Therefore the change in mandate was dictated by the UNSC and Morocco more than the UN or MINURSO.

Baker Plan I

The Baker Plan I was devised by the Personal Envoy, James Baker. He had devised an alternative process supposedly alongside the settlement plan, but effectively replacing the settlement plan. At this point the UN and the Personal Envoy were appeasing Morocco as the plan was balanced firmly in Morocco's favour. The UN appeared to be setting the framework for any political agreement in the favour of Morocco, noting that whilst the Polisario had refused to discuss any negotiated political solution aside from the settlement plan, 'the Moroccan delegation stated that it was prepared to initiate a sincere and frank dialogue with the Frente POLISARIO, with the assistance of my Personal Envoy, to work out a lasting and definitive solution that would take account of Morocco's sovereignty and territorial integrity' (UNSG, S/2002/178, p.6). To start the negotiations of a political settlement from the position of Moroccan 'sovereignty and territorial integrity' amounted to a capitulation to Moroccan demands.

The Baker Plan proposed a period of autonomy for Western Sahara for five years and then ultimately a referendum which offers a 'final-status' referendum, but not explicitly independence. The plan envisaged that Morocco would have competence over foreign relations, national security, weaponry and 'the preservation of the territorial integrity against secessionist attempts whether from within or without the territory' (UNSG, S/2001/613, p.11). Also the flag, currency, customs, postal and telecommunications system of Western Sahara would be administered by Morocco. The Western Saharan government would have

competence over their executive, legislative and judicial bodies, territorial budget and taxation, internal security, law enforcement, public services and infrastructure.

The first executive would be voted for by Saharans on the provisional UN voters list, while the legislative would be voted for by those who had resided in the territory since October 1998 and those listed on the repatriation list of October 2000. Finally a referendum would be held within 5 years, or shorter if agreed by the parties, and those eligible to vote will consist of individuals that had been 'a full time resident of Western Sahara for the preceding year' (UNSG, S/2001/613, 2001, p.12). This opened up the vote to the approximately 170,000 Moroccans that had been brought into Western Sahara and now constituted a majority of the population.

The Polisario and Algeria had numerous objections to the Baker Plan I. Algeria alleged that the plan was to the advantage of the integrationist position of Morocco and was opposed to the plan of allowing residents who had lived in Western Sahara for over 12 months to vote. Algeria stated that the Baker Plan I was in contravention to the resolutions adopted by the UNSC and in particular the norm of self-determination and expressed fears that Morocco would weaken the Polisario on the grounds of preservation of territory (UNSG, S/2001/613, p.16).

At first, the Polisario did not dismiss the Baker Plan but responded by offering ways in which the settlement plan could be revived, offering solutions such as the beginning the appeal process with the UNSC provide guarantees to ensure both parties respect the results. The UNSC cautiously considered the Baker Plan I as well as the comments from the Polisario and Algeria (UNSC, S/RES/1359, 2001). The Polisario, potentially realising that the settlement plan would not be revived, addressed the Baker Plan I directly, stating its displeasure at the change in tact by the UN in which it has sought to solve this decolonisation issue. The Polisario also questioned the validity of the change in approach, stating that '(t)he refusal of one party to cooperate in pursuing the implementation of the settlement plan cannot be an argument for abandoning it, for that would be tantamount to giving a disproportionate voice to Morocco' (UNSG, S/2002/41, p.8).

Whilst Morocco, at first, did not respond officially to the Baker Plan I in an interview with the French newspaper, *Le Figaro*, King Mohammed stated, 'I have settled the question of the Sahara which has been consuming us for the past 25 years ... We have worked hard and in the strictest confidentiality for 18 months to ensure that the 11 members of the United Nations

Security Council recognize the legitimacy of Moroccan sovereignty over Western Sahara' (Le Figaro, 2001). Morocco later responded officially, defending the Baker Plan I from the criticisms of the Polisario and Algeria and supported the validity of the initiative on the basis of previous UNSC resolutions relating to MINURSO (UNSG, S/2002/41, 2002).

It was thus not surprising that both Polisario and Algeria chose to reject the Baker Plan. Whilst the UN-sponsored Baker Plan appears biased towards to Morocco, this criticism should be tempered by acknowledging that the UN may have viewed such an agreement as the most likely initiative to gain the support of the UNSC and the wider international community and thus more likely to result in a resolution of the conflict.

However, if this was the strategy it backfired. Following the rejection of the Baker Plan I by the Polisario it was subsequently rejected by the UNSC. The UNSG asked the UNSC to make a decision on how MINURSO should proceed. It presented four clear options to the UNSC: option 1 was to proceed with the settlement plan without the support of either party, when necessary, although the UN stated this option may encounter problems with holding and enforcing the referendum results; option 2 was to proceed with the Baker Plan with alterations made by the Personal Envoy but without the agreement of either party if necessary and the UNSC would then present it to the parties as non-negotiable; option 3 was to partition the territory thereby giving each side part, but not all, of what they wanted and the Personal Envoy would divide the territory, the UNSC would once again provide the details to the parties as non-negotiable and option 4 was to terminate MINURSO and recognise that the UN is not going to solve the conflict without either party doing something they did not wish to do (UNSG, S/2002/178).

Whilst it may understandable as to why the UN came to the conclusion that the settlement plan could not go ahead, the Baker Plan I was tilted in Morocco's favour far too much. Expanding the electorate for the legislative and the referendum to a short-term residency criterion shifted the balance of the vote to Morocco and the exclusion of independence as an option was inconsistent with international law and all the previous resolutions of the UNSC and UNGA regarding the conflict. Unsurprisingly, Morocco was far more cooperative and amiable to the Baker Plan I as independence was not a consideration and the potential elections were in their favour. Whilst, the Polisario rejected the Baker Plan I they still remained cooperative with the UN, at first they offered to potential solutions to the settlement plan and later supported partition of Western Sahara.

The UNSC periodically renewed the mandate of MINURSO but it took 6 months until it addressed the options presented to it by the UNSG. The USA had circulated a draft resolution calling on the UN to recognise Morocco's annexation of Western Sahara (Langholtz, Kondoch & Wells, 2002, p.538). But eventually the UNSC decided not to endorse any proposal but expressed its support for both the Personal Envoy and the UNSG and concurrently stressed the importance of a political solution as well as the validity of the settlement plan (UNSC, S/RES/1429, 2002). The Personal Envoy believed that Algeria and the Polisario were willing to negotiate a split of the territory but due to Morocco rejecting the idea out of hand, the UN never followed up on the idea.

Baker Plan II

James Baker produced a second plan, Baker Plan II, to the belligerent parties in January 2003 and shared it with the UNSC in March later that year. The UNSG described it as a 'a fair and balanced approach towards a political solution . . . providing each side some, but perhaps not all, of what it wants' (UNSG, S/2003/565, p.10). The Baker Plan II synthesised elements of the Baker Plan I, which Morocco supported, and the settlement plan, which the Polisario supported. The UNSG made it clear to the belligerent parties that this was the final proposal the UN would offer both sides. The UNSG report asked the UNSC to refrain from allowing either party to negotiate parts of the plan, asking for the UNSC to endorse the plan fully. The UNSG was not initially optimistic about the success of the Baker Plan II stating that the amount of technical objections by both sides suggests that they lack the political will to achieve a solution to the conflict. The UNSG concluded that, '(i)f the parties cannot agree on an approach for a political solution and if the Security Council is not in a position to ask them to take steps that they do not perceive to be in their own interest . . . the Council may wish to consider whether it wishes to remain actively seized of this political process' (UN, S/2003/565, p.12).

The Baker Plan II sought to create an interim government, the Western Sahara Authority, with similar responsibilities as in the previous Baker Plan I. The Western Sahara Authority would have authority over judicial bodies, territorial budget and taxation, internal security, law enforcement, public services and infrastructure. Whilst Morocco would retain competence over foreign relations, national security, weaponry, preserving territorial integrity, the flag, currency, customs, postal and telecommunications system of Western Sahara would

be that of Morocco. The Western Sahara Authority was to be voted for by those on the UN voters list and those on the repatriation list of the UNHCR.

The Baker Plan II also proposed a referendum within 5 years with options between independence and integration, with the potential to add other options if agreed between the parties. The eligibility of voters for the referendum differed from the settlement plan as those on the voters list were still eligible as were those on the repatriation list drawn-up between the UNHCR (although there would be an overlap between the two lists) as well as those who have resided in Western Sahara continuously since 30 December 1999. This criterion was chosen so that each side would have a fair chance to win the referendum (Theofilopoulou, 2012, p.692). The UN would ultimately decide who fits the criteria and there would be no appeals process. The other provisions regarding political prisoners, PoWs, troop withdrawals and the code of campaign followed the arrangements of the settlement plan and the subsequent Houston Agreement (UNSG, S/2003/565).

All the parties promptly submitted their initial remarks on the plan, but did not endorse nor reject the proposals. Morocco immediately highlighted its reservations over the plan. Morocco's main issue was the option of independence on the referendum, which was obviously against Moroccan interests of retaining the territory. Morocco portrayed its opposition as containing the same problems of the settlement plan, firstly how would a referendum be enforced if one party opposed the results and noted that the purpose of a political settlement was to produce conciliation as opposed to conflict. Morocco repeated its objection to the use of the UN voters list, doubted the legality of the UNHCR being used for electoral purposes however it was not opposed to using a residency criterion for eligibility to vote, but noted that the date appeared arbitrary. Morocco also expressed its uneasiness with the executive of the Western Sahara Authority being equal to the King. Morocco concluded by stating its support for the UNSG and Personal Envoy and that it sought to continue negotiations and dialogue in the hope of achieving a settlement that respects Morocco's territorial integrity and international law (UNSG, S/2003/565, p.21-32).

The Polisario, which rejected the Baker Plan I, had several concerns with the Baker Plan II. It expressed the similar fears as those it had expressed throughout the settlement plan process, namely the safety of the Saharans who are repatriated to Western Saharan, the withdrawal of Moroccan troops and objections to the Moroccan governments rhetoric and actions. The Polisario also stated its reservations of the plan were due to the fact that the Baker Plan II was

inherently in favour of Morocco. This was because Moroccan retained competence over issues such as external affairs and signing agreements regarding Western Sahara. The Polisario responded to the Baker Plan II as a proposal that ‘intends to grant to Morocco the right to conserve the trappings of its sovereignty over the Western Sahara, including the flag, currency and stamps . . . Accepting the Moroccan flag, currency and stamps in the Western Sahara is tantamount to giving in to the colonizer’s claim that it has sovereignty over the Territory’ (UNSG, S/2003/565, p.38).

The Polisario stated its preference that the UN administers Western Sahara before the election of the Western Sahara Authority. The Polisario disapproved of the criteria for voting in the referendum as, according to the Polisario, Morocco had transferred up to 220,000 people into the territory since the settlement plan and therefore the electorate would likely be balanced in favour of Morocco. The agreement allowed Morocco to ward off secession attempts, which not only posed a threat to the Polisario movement but also inferred Moroccan territorial integrity over Western Sahara and therefore reaffirmed the narrative of Morocco. The Polisario concluded that the best way to proceed with the process was for the Identification Commission to process the appeals by Morocco, proceed with the settlement plan and for the UNSC to ensure the referendum process is respected (UN, S/2003/565, 2003, p.33-41).

Surprisingly, Algeria was the most enthusiastic of the parties, concluding that the Baker Plan II, ‘represents a gamble for peace in the Maghreb – a gamble which should be taken by all concerned with determination and sincerity’ (UN, S/2003/565, 2003, p.62). Algeria offered technical advice on issues such as the interim period, confinement of troops and the referendum. It stated no objections to the electorate comprising of residents of Western Sahara since 2000, which was surprising considering their previous objections to the Baker Plan I. Mauritania pledged its support for the Baker Plan II.

During this period Algeria played the role of a leader. Algeria since the Houston Agreements had allowed the Polisario to base their troops in the state in the event of a referendum. More importantly, after the UNSG and the UNSC provided the Personal Envoy with a mandate to seek alternative methods to resolve the conflict, Algeria proposed alterations to plans it did not support, offered alternative options to resolve the conflict and was the first party to accept the Baker Plan II. The Algerian President Bouteflika proposed the division of the territory, between Morocco and the Polisario, to the Personal Envoy (Theofilopoulou, 2006, p.10).

Mauritania also agreed to accept several hundred Polisario troops in their state and, in its most active statement on the conflict throughout MINURSO, the President of Mauritania spoke to the Special Representative and stated his concern with appeals process and called for an 'early solution' to the Western Saharan question (UN, S/1999/1219, p.2) although on the whole Mauritania has mostly been an observer that assists MINURSO.

The UNSC was divided between those who supported the Baker Plan II (USA, UK, Germany, Spain and Chile), those who wished for further negotiations (France, Bulgaria, Cameroon, Guinea) and those that were ambivalent (Russia, China, Syria, Mexico, Pakistan and Angola) (Theofilopoulou, 2006, p.12). The USA attempted to get the UNSC to 'endorse' the plan, thereby signalling a stronger political commitment to the plan, but this level of support was ultimately weakened to gain the unanimous support of the UNSC, as was the norm for Western Sahara (Shelley, 2003, p.155; Mundy, 2004). The UNSC resolution ultimately referred to the Baker Plan II as the 'optimum political solution' and pledged its support for the Personal Envoy James Baker and the Special Representative (UNSC, 2003, S/RES/1495, pg. 2).

The Polisario was the first of the belligerent parties to formally respond, in July 2003, to the plan and surprisingly chose to accept the plan as the basis for the resolution of the conflict. It seems likely that Algeria exerted its influence upon the Polisario to accept the proposals, potentially in the belief that Morocco would reject the plan and that Morocco would be seen as the obstructor. The Polisario and Algeria had interpreted the UNSC resolution as an imposition of the plan as the main political process for resolving the conflict; however France and America's representatives were quick to point out that the resolution did no such thing but only stated the UNSC support of the plan (Zunes & Mundy, 2010, p. 235).

In the intervening months, Morocco had made its opposition to the Baker Plan II clear but the UN had allowed Morocco to offer counterproposals to the Baker Plan II, this was not mentioned in the UNSG reports and contrary to the original demands of the UNSG to not accept any alterations. However, Theofilopoulou (2006, pg.13) states that the UN could never have considered the Moroccan proposals as they ruled out self-determination. In March 2004, Morocco finally gave its response and rejected the Baker Plan II stating that an 'autonomy-based political solution can only be final' (UNSG, S/2004/325, p.10) and therefore rejecting the basic premise of the resolution of the conflict; self-determination. France had assured Morocco that they would not allow any proposal to be imposed upon the parties (Jensen,

2012, p.103). Therefore the UN was in a position where Morocco accepted the Baker Plan I but rejected the settlement plan, Baker Plan II and partition of the territory, whilst the Polisario accepted the settlement plan, Baker Plan II and partition of the territory but not Baker Plan I.

The failure of the UNSG (Kofi Annan 1997-2006) to progress MINURSO is reflective of the lack of power of the UNSG when the P5 decides that all UNSC resolutions will be low-level consensual and that every aspect of any potential agreement must be agreed to by the belligerent parties. The UN under the leadership of Kofi Annan showed an increased willingness to set-up peace-operations in Africa, whilst this is partially the result of ideational changes that have been discussed in chapter two, the effect Kofi Annan had is evident as he issued several UN peace operations in nine African countries and in eight of these missions they had chapter VII powers (Sloan, 2008 p.54). Therefore the lack of progress in MINURSO is not the fault of the UNSG but the UNSC. Annan says as much when he made his 'sobering assessment' that the settlement plan must be disregarded. In pointed comments aimed at the UNSC he noted that, 'it is worth noting that no enforcement mechanism is envisioned by the settlement plan, nor is one likely to be proposed, calling for the use of military means to effect enforcement' (UNSG, S/2000/131, p.10).

The UNSC had to make a decision and impose a position upon either party. The UNSC chose to reaffirm its previous support for the Baker Plan II and the Personal Envoy but also reaffirmed its support 'to achieve a just, lasting and mutually acceptable political solution which provide the self-determination for the people of Western Sahara' (UNSC, S/RES/1541, 2004). The inconsistency of the UNSC was glaring but the USA, following the Global War of Terror, was aligning closer towards Morocco at the expense of James Baker and MINURSO. Therefore the two most active members of the UNSC with regards to Western Sahara, France and the USA were now pro-Moroccan.

James Baker resigned as Personal Envoy of the UN after the UNSC had essentially disregarded the Baker Plan II and it had become clear that even the USA would prioritise Moroccan relations over their own diplomats. Not only did the USA, no longer support the Personal Envoy but they further increased Moroccan-American ties, by announcing Morocco as a Major Non-Nato Ally. This signified an increase in military relations, intelligence sharing and also allowed Morocco to buy higher expertise weapons. This further illustrated the growing importance and strength of US-Moroccan relations, as James Baker was a key

figure for both Bush administrations but ultimately the George W. Bush government prioritised Moroccan relations (Theofilopoulou, 2007).

7. Redefinition of the MINURSO Mandate: Political Settlement without a Referendum

The original mandate of MINURSO was to implement the Settlement Plan. By 2001, MINURSO was attempting to devise a framework to resolve the conflict through an agreement by both parties. By 2005, the settlement plan was obsolete and the UNSC had accepted that both parties would not accept either of the Baker Plans. MINURSO was focussed on engaging both parties in direct talks in the hope that they could come to a negotiated political solution. As the UNSG noted, 'it should be made clear to the parties that the United Nations was taking a step back and that responsibility now rested with them' (UNSG, S/2006/249, p.9).

Monitoring the ceasefire

The approval of the belligerent parties and the continuation of the ceasefire was still a necessary precondition for the continuance of MINURSO. The violations occurred but the severity of these violations continued to be at a low-level. Morocco was accused of reinforcing its defensive positions and the Polisario was accused of deploying its army into the buffer zone. MINURSO also began to note the restrictions on freedom of movement for military observers, its first figures noted that from 1st June 2006 and up until the end of 2007 Morocco had committed 1,436 acts that restricted MINURSO and the Polisario had committed 372 (UNSG, S/2006/817; UNSG, S/2007/202; UNSG, S/2007/619). The UNSG reports explained that this may be due the larger presence of Moroccan soldiers. Following the breakdown of the Baker Plan the Polisario has repeatedly threatened to recommence the military conflict (Agency France Presse, 2003, 2006; BBC, 2007). This was often interpreted as a bluff by the Polisario to increase the pressure on Morocco and their allies to resolve the conflict.

Human rights groups and Western Sahara pressure groups called for the mandate of MINURSO to include a human rights mandate which would allow the mission to report on human rights abuses in the territory. The lack of agreement on the human rights mandate signifies that the mandate of MINURSO is outdated and is indicative of the lack of commitment by the UNSC to hold Morocco to account. There have been discussions among the member states to enhance the powers of MINURSO to those usually associated with post-Cold War peace operations, but the USA has never forced the issue whilst it is assumed that France would veto any proposal if necessary. On the rare occasions that a UN draft resolution

had threatened to include a human rights mandate, Morocco would inform the UNSG that it would ask MINURSO to leave in such a circumstance and reminded the USA that Morocco supports and cooperates with the USA on the Israeli-Arab conflict and intelligence matters in return for support on Western Saharan (Khakee, 2014, p.458).

In late 2005 there were several protests and demonstrations in Western Sahara organised by Saharans. The UN noted these events stating that, ‘demonstrations led to violent confrontations between the participants and the Moroccan security forces, resulting in arrests and detentions . . . In response to the demonstrations, the presence of Moroccan security and police forces increased in all the main towns in Western Sahara, and in December, army troops were deployed’ (UNSG, S/2006/249, p.1).

The Office of United Nations High Commissioner for Human Rights (OHCHR) wrote a private report for the UN which was shown to Algeria, Morocco and the Polisario³⁰. The report was an overview of demonstrations in late 2005 and the human rights situation in Western Sahara and the Tindouf refugee camps. The OHCHR was more critical of Morocco than UNSG reports stating, ‘the delegation is led to the preliminary conclusion that a) Moroccan law enforcement officials seem to have used force in an indiscriminate and disproportionate manner when exercising their responsibilities in the course of exercising their duty to maintain public order and security’ (OHCHR, 2006, p.6). Reflecting on the general situation in Western Sahara it stated, ‘(o)verall, the human rights situation is of serious concern, particularly in the Moroccan-administered territory’ (OHCHR, 2006, p.14). This report highlights the complexity of evaluating the UN, as there are several bodies with competing interests. However the work of the OHCHR does weaken the credibility of the UNSG reports which can only note the events.

The report recommended that MINURSO includes a human rights mandate, but France has consistently vetoed any attempts to allow MINURSO to contain a human rights mandate. Whilst MINURSO still lacks a human rights monitoring mandate, the UNSG reports on Western Sahara now refer to the human rights situation in general terms.

Negotiations

The mandate of MINURSO, set by the UNSC, was to ‘assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-

³⁰ Not Mauritania despite its official observer status.

determination of the people of Western Sahara' (UNSC, S/RES/1570, 2004, p.1). The resolution states that any solution must respect the self-determination of Saharans but, as stated in UN resolution 1541, self-determination does not always constitute independence. The UN appears to have realised that no solution could be forced upon the parties, particularly as both Morocco and the Polisario have powerful/numerous supporters in the UNSC and/or the UNGA. Therefore the onus was on the belligerent parties to provide a framework to resolve the conflict.

Peter van Walsum was appointed as the new Personal Envoy of the UN following the resignation of James Baker. Van Walsum argued that an UN-sponsored solution was unlikely as both parties would fail to agree on it, and an UN-sponsored solution being imposed on the parties was less likely due to the necessity of an enforcement mechanism by the UNSC and therefore he sought to organise direct negotiations between the parties. It would appear this negotiation tact was decided upon on the basis of the least bad alternative as opposed to any change in the positions of the parties.

Both parties eventually provided their own frameworks for the resolution of the conflict. On April 10 2007, the Polisario provided the UNSG with its plan for the resolution of the conflict it was essentially a return to the Baker Plan II. The Polisario reaffirmed its commitment for the conflict to be resolved by a referendum of Saharans. The Polisario offered further assurances to Morocco in the event of independence for Western Sahara. The Polisario stated it would revive talks for the Arab Maghreb Union, provide citizenship for Moroccan citizens in Western Sahara and work with the Moroccan government on economic and security issues (UNSC, S/2007/210).

On April 11 2007, Morocco offered its proposal for resolving the conflict. The Moroccan proposal offered autonomy to Western Sahara. Morocco stated that Saharans would run their affairs through a democratically elected legislative, executive and judicial bodies, whilst the Moroccan state will retain control of the defence, external and constitutional and religious prerogatives of the King of Morocco (UNSC, S/2007/206, 2007, p.4). The proposal stated that the Moroccan government was willing to negotiate the specifics of the autonomy, although it does not explicitly name the Polisario as its negotiating partner. Morocco also proposes that any final agreement be submitted to the 'populations concerned' in a referendum which could be interpreted to mean all individuals in Western Sahara as opposed to strictly Saharans.

Whilst the Polisario's proposal was closer to what the UN had previously advocated, namely the settlement plan and the Baker Plan II, the UNSC favoured the Moroccan proposal. The UNSC resolution issued of the time stated that it was, 'taking note of the Moroccan proposal presented in 11 April 2007 to the Secretary-General and welcoming serious and credible Moroccan efforts to move the process forwards towards resolution; also taking note of the Polisario Front proposal presented on 10 April 2007 to the Secretary-General' (UNSC, S/RES/1754, 2007, p.1). Following the proposals of both sides the Personal Envoy of the UN suggested that the two sides meet for direct talks for the first time since 2000.

These talks, known as the Manhasset negotiations, ultimately failed as after four rounds of negotiations all the two sides could agree on was to meet in the future to continue negotiations. The positions of both parties were known to the UN from the outset. Morocco, since 2001, would not countenance any solution that included independence and the Polisario would not support any solution that failed to include an independence referendum. There followed four meetings between August 2007 to March 2008. None of the underlying issues were resolved aside from reaffirming the implicit admission that the Polisario is an equal negotiating partner to the Moroccan government. The Personal Envoy Van Walsum, stated in an interview with a Spanish newspaper that independence for Western Sahara was unattainable (Jensen, 2008, p.111). The Polisario protested that van Walsum had shown his bias and he was eventually replaced as Personal Envoy by Christopher Ross from the USA.

Confidence building measures

Aside from resolving the conflict, the UN embarked upon confidence-building measures (UNSG, S/2003/1016, p.4-5). Whilst these measures do not limit casualties they do relieve some of the negative externalities of such a conflict and could constitute a bottom-up aspect of conflict resolution (Lederach, 1997). MINURSO and the UNHCR worked together to reunite the families divided by the conflict. They organised family visits and telephone calls for families that have been divided by the conflict. There was initial resistance to overcome from both parties, as the Polisario originally sought to limit the family visits and Morocco sought to remain in administrative control of the mailing list, but the UN and the parties managed to overcome the issues (UNSG, S/2004/39). There have been periodical issues regarding the funding of the initiative (UNSG, S/2005/254, p.5). By April 2008, the joint efforts of MINURSO and the UNHCR had seen over 5,000 people participate in family visits and approximately 93,000 telephone calls (UNSG, S/2008/251).

Mine clearing

The work of the UN in limiting casualties has been overlooked, as MINURSO relented in actively resolving the conflict it increased efforts in ensuring the welfare and safety of civilians and refugees in Western Sahara and the Tindouf refugee camps. Whilst MINURSO never utilised all instruments available to the UN to enforce a resolution to conflict, MINURSO did attempt to improve the conditions of Saharans. The implementation of MINURSO was preceded by an agreement by the Polisario and the Moroccan government of a ceasefire. In the subsequent years the ceasefire has ultimately held and there have been no deaths attributable to the Moroccan on the SPLA and vice versa, therefore in the parameters set by Bratt the UN has been successful in limiting casualties. However this section will go beyond casualties of war to consider the work of MINURSO in clearing landmines in Western Sahara and ensuring the safety and wellbeing of the Saharan refugees in the Tindouf camps.

Western Sahara is one of the most heavily mined territories in the world, one estimate is that 40% of Western Saharan land is affected by land mines, the vast majority of mines being located adjacent to the berm in Western Sahara (Martin & Allan, 2007, p.3). Since 1975 it has been estimated that there has been over 2,500 casualties as a result of landmines in Western Sahara and since 1991 there has been 103 casualties in Western Sahara (Cucinotta, 2010). In all of the UNSG reports up to 2007 there is only 4 MINURSO casualties noted, however the UN Department of Peacekeeping Operations notes that 16 MINURSO peacekeepers have died, 11 are due to what the UN termed as an 'accident' (UN, 2017). Western Sahara suffers from water scarcity and the areas surrounding the berm, where most of the landmines are located, are rich in water sources and therefore landmines are a particular danger to Saharan nomads and shepherds.

The UN deserves credit for implementing the ceasefire as it was immediately evident that the ceasefire has caused a reduction in the amount of casualties. It did take the UN almost 7 years to coordinate a demining effort but in 1998 both the Polisario and Morocco signed an agreement to cooperate with the UN in demining efforts (UNSG, S/1998/316). Morocco later held up the deployment of the demining unit sent by Pakistan by refusing to issue their weapons in Western Sahara and the Polisario was slow to respond to the UN's request that it divulge information of mine-fields and mine-related deaths in the Polisario-controlled

Western Sahara (UNSG, S/1998/634). This would appear to indicate that it was the lack of cooperation of the belligerent parties that caused the delay in the approval of demining operation as opposed to any UN failing.

Demining activities are ongoing and the operations in Moroccan-controlled Western Sahara have been handled by the Moroccan army and since 2006 in the Polisario-controlled Western Sahara demining is coordinated by the NGO Landmine Action. The Moroccan army was reported to have cleared 128,000,000 square metres of territory by early 2008 (UNSG, S/2008/251, p.7). Whilst from the deployment of Landmine Action in 2006 until early 2008 the NGO had cleared approximately 900,000 square metres of Polisario-controlled Western Sahara of landmines (UN, S/2008/251, p.7). Landmine Action is funded by the UN Mine Action Service and donations from governments, most notable Germany and Norway. Therefore beyond the ceasefire, the UN has been positively contributing to the limitation of casualties in Western Sahara.

Provisions for the Saharan refugees

The Saharans in the Tindouf refugee camps have not been the beneficiaries of the ceasefire. The number of Saharans in the camps is contested, the Polisario and Algeria has consistently claimed that there is approximately 160,000 Saharans in the camps but since 2005 the UNHCR and WFP has worked to provide assistance to 90,000 Saharans pending a comprehensive registration exercise. The registration exercise never took place. The UN bodies, state donations and charity organisations continued to provide the basic food requirements for the Tindouf refugees but the issue of Saharan repatriation has been superseded by the greater need to find a resolution to the conflict following the collapse of the settlement plan and rejection of both Baker Plans I and II.

In 2001 the UNHCR completed a comprehensive assessment of the welfare of Saharans in the camps. The conclusion of the UNHCR was that the situation of the refugees was 'very precarious' and that the elderly, children and women were most vulnerable to deteriorating food supply in Western Sahara (UNSG, S/2001/613, p.3). There was an increasing apathy from donors due to the lack of progress and by 1999 there was a growing rate of malnutrition in the Tindouf refugee camps. An array of short-term measures were arranged to alleviate the worst of the malnutrition and by 1999 the European-Commission Humanitarian Aid Office (ECHO) had become the largest donor to the Tindouf refugee camp (ECHO, 2001).

The World Food Program (WFP), ECHO and the UNHCR worked together to deliver the food supply of the Saharans for the whole of 2002, despite initial disagreements between the charities and aid agencies that delayed the deliverance of food to the refugee camps in Tindouf (UNSG, S/2002/467, p.2; UN,SG S/2003/59, p.5). The refugee camps were often in a 'critical situation' regarding the food supply and most often the UN bodies of the WFP and UNHCR stepped up to provide the necessary foodstuff (UNSG, S/2004/39, p.4; UNSG, S/2004/325).

In early 2006, there was flash flooding in Tindouf which exacerbated the food shortages and left between 50,000 to 60,000 Saharans without shelter which contributed to an estimated 3,500 tonnes shortfall in basic staples. Due to the lack of financial capabilities of the WFP, the needs of the refugees were being provided more and more by the donor community (UNSG, S/2006/249, p.5).

The lack of food reached its most critical point in 2007, when the WFP was unable to distribute any cereals, which constitute 70% of the current food basket, in the whole of July, however 2007 also represents the beginning of long-term improvements for the Saharan refugees. The UNHCR began an ambitious project to create a water-pipes network for the refugee camps, replacing the water-tanker system previously used, which was funded by the European Commission Humanitarian Office and constructed and maintained by the Spanish NGO, Solidaridad Internacional Andaluca. The World Health Organisation (WHO) established an office in Tindouf to strengthen efforts to prevent diseases in the camp (UNSG, S/2007/619, p.9-10).

The UNHCR had always worked with the Polisario to provide education in the camps, but since 2007 these efforts have been stepped up with the UNHCR providing the majority of class books and text books, renovating most of the schools, introducing incentivised contracts to retain skilled educators and introducing new vocational courses (UNSG, S/2009/200, p.8).

Despite provisions for Saharans not being part of the original settlement plan it can be seen that the UN and its various bodies such as the WFP, UNHCR and MINURSO have coped admirably to the problems in the Saharan refugee camps. The UN and its subsidiary bodies have certainly been a massive factor behind the lowering of the death rate in the nineteen-year period of 1991 to 2007. The ceasefire has held, the UN has proven pivotal in clearing mines and attempted, as best it can, to alleviate the food shortages and address the malnourishment in the Saharan refugee camps. If there could be one criticism, it is that the

UN has turned to outsourcing to carrying some of these functions, in particular relying on charitable organisations or donors, such as the work of Landmine Action in clearing minefields in Western Sahara and donors from individuals and states to improve the food supply in the camps. However, this is likely due to the lack of funds contributed by member states and pressure by UNSC to make peace-missions more efficient whilst lowering costs and the trend of outsourcing former governmental or organisational tasks to charities and NGOs has become more prevalent in the years examined.

8. Conclusion

This dissertation is a contribution to the literature relating to the Western Saharan conflict and offers an assessment of an under-researched actor in the conflict, the UN. The dissertation also adds to international peacekeeping studies by attempting to produce a comprehensive analysis of the role of the UN in a conflict.

To summarise, the performance of the UN in Western Sahara has generally been positive. In the areas of limiting casualties and containing the conflict the role of MINURSO has been a success. The mandate performance of MINURSO has been mixed as it has completed some lesser priority tasks such as the release of PoWs by both sides but has ultimately failed in the main objective of resolving the conflict. However in the criteria of conflict resolution the role of the UN has been limited by the interests of Morocco, France and the USA. The strategy of the UN to resolve the conflict via the support of both of the belligerent parties was the only option. Therefore the resolution of the Western Saharan conflict has proven immensely difficult.

To reach this conclusion the dissertation collated the primary and secondary sources available to assess the role UN in Western Sahara by studying the outcomes of the work of MINURSO in the four criteria of mandate performance, conflict resolution, conflict containment and limiting casualties. The mandate of MINURSO conveniently encapsulates all four of these criteria. To ensure that the process also considered actors and influences which could affect each of the criteria, most important were the belligerent parties, the UN P5, the UNSG and the regional powers.

The role of the UN in limiting casualties has been successful. The ceasefire came into effect from the deployment of MINURSO and has remained throughout the time span examined. The ending of the military conflict between the Polisario and Morocco has resulted in no direct casualties from the conflict. There still remained over 100 indirect casualties from the stalled conflict. The progress of MINURSO by clearing the minefields of Western Sahara was not as immediate, as Morocco and the Polisario initially obstructed the work of the UN. Whilst the food situation of the refugees in Tindouf has increasingly worsened, the work of the UN and UN affiliated organisations such as the WFP, alongside the international donors, has alleviated the worst of the malnutrition. During the period examined the conflict has not resumed nor has it extended into other states. There have been occasions when tensions have

rose in the regions such as the Dakar rally or 2001 and the road-building by Morocco. However, the UN, MINURSO, the P5 and the neighbouring countries have all succeeded in de-escalating any potential incidents.

The original mandate of MINURSO, ignoring the two objectives that can be classified as limiting casualties (monitoring the ceasefire and the armies of the belligerent parties), had six objectives; reducing the amount of Moroccan troops in the Western Sahara, ensuring the release of Saharan political prisoners, facilitating the exchange of Prisoners of War (PoWs), repatriating Saharan refugees, identifying and registering voters for a self-determination referendum and organising a referendum. The UN had a large degree of success in the release of Saharan political prisoners and Morocco released the Saharan PoWs held in their prisons. The influence of the P5 and other nations (notably Germany and Argentina) worked together with the UN to ensure so. The withdrawal of troops by the belligerent parties and the repatriation of Saharans to Western Sahara were linked to the declaration of MINURSO's D-Day which never occurred. The failures to achieve these objectives were symptomatic of the failure of the UN to resolve the conflict.

This leads to the two mandate objectives which were supposed to resolve the conflict, the identification and registering of voters and the organisation of a self-determination referendum. Whilst MINURSO was ultimately able to produce a provisional voters list that identified the potential voters for the referendum, it was never able to produce a final voters list. The mandate of MINURSO began to change from organising a referendum to negotiating a political settlement and the process has subsequently stalled.

The ultimate and non-negotiable difference between the belligerent parties was the interpretation of self-determination. The Polisario argued self-determination had to be confirmed via a referendum which offered independence whilst Morocco argued that self-determination could be satisfied by autonomy and craved international legitimacy of administration of Western Sahara. The settlement plan has been described as 'war by other means . . . (b)allots, not bullets, would determine the victor' (Zunes & Mundy, 2010, p.189-191). Both parties were guilty of non-cooperation with MINURSO over the identification of voters, with Morocco accused of occasionally interfering with the process. The non-cooperation of the parties correlated to their perception of whether the process was in their favour; the Polisario was less cooperative during first five years of MINURSO whilst Morocco was less cooperative thereafter.

However the non-cooperation of both the parties following the breakdown of the settlement plan was not necessarily equal. The Polisario's rejection of proposals that did not include independence is more consistent with international law than Morocco's refusal to consider proposals that include independence. Therefore whilst the belligerent parties have not shown an inclination to negotiate their differences, the UN and in particular the UNSC has appeased Morocco's intransigence in defiance of international law and UN resolutions regarding self-determination and Western Sahara.

Nonetheless, despite the unresolved nature of the conflict the failure is not primarily due to the UN. The original mandate objectives of identifying and registering voters and organising the referendum constituted the process of conflict resolution and were not feasible. The resolution of the conflict was reliant upon the agreement of both the belligerent parties on every aspect of the plan without any enforcement mechanism, upgrading of MINURSO capabilities in line with other post-Cold War peace operations or significant pressure by the UNSC and in particular the UN P5. It is a testament to MINURSO that they managed to produce a provisional voters list despite the lack of support by the UNSC and the constant delays and objections of Morocco and the Polisario. The change in the resolution process, from the settlement plan to negotiated settlement, was hasty and premature but a result of the intimations by Morocco that the referendum could result in violence across Western Sahara and with the limitations discussed, the UN was short of alternatives. Morocco has only been able to maintain such a position with the support of the UN P5. France, with their interests in the Maghreb, consistently supported Morocco even when they were acting in contravention of the settlement plan. Whilst the USA played an ostensibly neutral role but following the Baker Plan II and more importantly the Global War on Terror the USA has aligned closer with Morocco and enabled their obstruction of the Baker Plan II whilst being a key supporter of the Moroccan proposals in 2007 over the Polisario proposals which were more consistent with the positions laid out by the UN.

The role of the UN Secretary General (UNSG) in the Western Saharan conflict has been negligible. Whilst Javier de Cuellar and Boutros Boutros-Ghali may have had a pro-Moroccan bias, they have not been able to tilt the process in Morocco's favour definitively. Whilst, de Cuellar was successful in expanding the registration of Saharans eligible to be identified for the referendum, and whilst Boutros-Ghali made attempts to further tilt the process in Morocco's favour by prioritising documentary evidence and permitting the ruling of only one sheikh in instances that the Polisario could not provide one, MINURSO

ultimately produced a provisional voters list which was broadly in line with the Spanish census from 1974. The power of the UNSG is circumscribed by the UNSC, in the Western Saharan conflict this is apparent from the various solutions and options put forward to the UNSC by Boutros-Ghali and Kofi Annan which sought to impose a solution on the belligerent parties but often led to UNSC resolutions maintaining the status-quo.

The role of the regional powers, Algeria and Mauritania, has been positive. Mauritania was an assister as it has continuously supported MINURSO, whether by accepting the Baker Plans I and II, opening voter identification centres in their state or agreeing to station Polisario troops. Whilst, Algeria has been a leader. Similar to Mauritania, Algeria agreed to station Polisario troops in their state but beyond that it has used its influence over the Polisario to restrain the movement from reigniting the conflict. Whilst Algeria did reject the Baker Plan I, they did propose a partition of the territory in exchange and were the first of either the belligerent or observer parties to accept the Baker Plan II.

In conclusion, the role of the UN in the Western Saharan conflict has generally been a success. The UN has ended the military conflict and thus prevented potential deaths, minimised the conflict and achieved partial success in the mandate objectives. Whilst the conflict remains unresolved, that fault lies predominantly with the UNSC, specifically the P5 states, and Morocco. The UN has provided the framework and opportunity for both the belligerent parties to negotiate a resolution to the conflict.

The conflict is currently stalled and all options appear to have been exhausted as none of the UN P5 states wish to impose a resolution on either Morocco or the Polisario. Whilst the Polisario and Morocco both seem unwilling to consider anything less than independence or integration respectively. Partition could potentially be reconsidered but at present no breakthrough appears imminent. A possible idea that could potentially get the support of Morocco and the Polisario would be for Morocco to voluntarily relinquish administration of Western Sahara whilst allowing the Moroccan government to save face by Spain relinquishing control of Ceuta and Melilla in Northern Morocco and potentially even the United Kingdom (UK) possibly returning Gibraltar to Spain. However, this solution is fraught with numerous issues as Spain and the United Kingdom are unlikely to be willing to do give up their overseas territories willingly and the inhabitants of Ceuta, Melilla and Gibraltar would likely prefer to remain administered by Spain and the UK respectively.

There are several limitations to the dissertation. Firstly, there is a lack of material relating to the Western Saharan conflict in the English language, as Spain is the former colonial power and France is an interested actor, as well as a national language of Morocco, it may be that there is more material in French and Spanish than English. Therefore a collaborative study between academics may be helpful to gaining a greater understanding of the conflict and equally the role of the UN. Secondly, and related to the lack English sources of data it may have been beneficial, if possible, to organise interviews with members of the Polisario, UN officials and members of the governments of Morocco, France and the USA.

Thirdly, since 2007 there have been some developments which have implications for Western Sahara that were briefly mentioned in the introduction, such as the change in leadership of the Polisario and the incidents relating to the UN in Western Sahara. Alongside those mentioned, in 2008 there was a coup d'état in Mauritania which led to new government that is more antagonistic towards the Moroccan government, there has been the 'Arab Spring' of 2010 in the Middle East and North Africa and of course changes in governments in France and the USA which may have had affected the role of the UN in Western Sahara. Therefore, if there is material available, alongside the output of data by the UN, it would be appropriate to consider the role of the UN in the last ten years.

A final limitation and an aspect not considered and beyond the scope of this dissertation is whether the success of the UN in monitoring the ceasefire and thus limiting casualties and containing the conflict has actually contributed to irresolution of the conflict. As the ceasefire may have reduced the incentives of the belligerent parties to compromise with each other and resolve the conflict.

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